

DAVID PATON.

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ARCHITECT OF THE NORTH CAROLINA STATE CAPITOL.

AN ADDRESS

BY

SAMUEL A. ASHE, ESQ.

DELIVERED IN THE SENATE CHAMBER OF THE STATE CAPITOL AT
RALEIGH, MARCH 12, 1909, UPON THE PRESENTATION OF THE
PORTRAIT OF DAVID PATON TO THE STATE, AND ITS

ACCEPTANCE

BY

GOVERNOR W. W. KITCHIN

RALEIGH
E. M. UZZELL & Co., STATE PRINTERS AND BINDERS
1909

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RALEIGH, N. C.

DAVID PATON.

Your Excellency and Gentlemen of the Council of State:

At the instance of Mrs. C. E. Foy, of New Bern, and her children, and of Mrs. E. M. Shute, of New York, I beg to present to the State the portrait of Mr. David Paton, the honored father of Mrs. Foy and of Mrs. Shute, and the architect of this building.

As designer and architect, the talents of Mr. Paton found expression in this superb edifice, which, indeed, is an enduring monument to his skill and capacity, bearing ample testimony to his superior attainments and high accomplishments in his profession.

At the time of the erection of this Capitol it was one of the most notable buildings in the United States. Whether we consider its massive structure or its admirable design or the thorough execution of every detail of the work, it was a remarkable performance; and when we recall the condition of affairs within the State at that period we find still greater cause to regard it with admiration and to praise that generation of North Carolinians for the public spirit which led to its erection.

For more than a century our people had no Statehouse. In the early Colonial days the public documents were kept at Edenton, but there was no Government building. In 1766, an appropriation was made to build a Governor's Mansion at New Bern, and four years later the public offices were established there. The General Assembly, however, frequently met elsewhere.

During the Revolution, in 1779, in order to have a central place of meeting, the Assembly appointed a committee to select a site, either in Johnston, Wake or Chatham counties, for the State Capital; but two years later Hillsboro, then a thriving town, was selected as the capital, and the public offices were established there and the palace at New Bern was directed to be sold. However, before the summer was over, that enterprising Tory, Fanning, captured Hillsboro, carried off the Governor and all the State officers then present; and doubtless because of the activity of the Tories in the Upper Cape Fear region the

resolution was rescinded and the Assembly again became perambulatory. It met as far west as Salem and as far east as New Bern; sessions were held at Halifax, Tarboro, Smithfield, and Fayetteville; and once at Wake Courthouse, in the old Joel Lane residence, which is still standing in this city, on Boylan Avenue. That was in one of the darkest hours of the Revolution, and the legislative body was protected from a Tory raid by a regiment of militia. It would indeed have been lamentable had the dreaded Fanning swooped down on the Assembly and carried off into captivity the assembled wisdom of the State, unless, indeed, the legislators had taken to the bushes, like Governor Patrick Henry and the Virginia Legislature had to do just at that particular time to escape capture.

Eventually, in 1792, commissioners appointed for the purpose purchased from Joel Lane 1,000 acres of old fields and thickets near Wake Courthouse and laid off on paper the streets and squares of a capital city. Doubtless quickly the principal avenues were opened by axmen, and the central public square—"Union Square," they named it—where there were some giant oaks, doubtless well-grown trees in the time of Virginia Dare and Sir Walter Raleigh, was selected as the site of a Statehouse.

The building at once erected in the wild woods, where now the city of Raleigh stands, was similar in general plan to this edifice, with offices and passageways on the first floor and legislative halls above. The bricks were made near-by, and the construction was hurried and roughly done.

Twenty years later, after we had won our second war of independence and everybody was feeling quite comfortable, it was determined to improve the building, and Captain William Nichols, of New York, a skilled architect, was employed to cover the exterior with stucco, and a stately dome was reared over the rotunda and the east and west entrances were ornamented by handsome porticos. Indeed, the exterior of the building was very similar to the present edifice. Nor did public spirit stop there. An order was given to Canova, without regard to cost, for a colossal statue of Washington. Canova, who holds rank in his art with the famous Michael Angelo, was then in the zenith of his greatness. He had made a colossal statue of Napoleon, but neither he nor any other sculptor had ever had such

a grand subject as the immortal Washington. We may well believe the work brought forth his best and highest powers. He had the art of giving to his marble a soft appearance. With the utmost pains he gave the surface a most delicate finish, and then broke the dazzling white of the marble and made it seem soft and mellow, like ivory. Even now the remains of the statue in the museum retain these marks of his peculiar handiwork. This statue was brought from Italy by a man-of-war especially detailed for the purpose, was transported by water to Fayetteville and with great care conveyed to Raleigh, escorted into the city in grand style by the Raleigh Blues, the color bearer, mounted on the monument, enthusiastically waving the American flag. It was placed in the rotunda of the Capitol. It was of colossal size, massive, and perfect in every detail. It was one of the masterpieces of the world. There was nothing in America comparable to it.

In 1830 the Statehouse caught fire and the records in the public offices were for a time in peril of destruction. Fortunately the conflagration was arrested. When the Assembly met in November, 1830, it directed that the damage should be repaired, and in order to secure the building against future danger the Legislature, with great particularity, enacted that the chimney corners should be made safe, that sheet iron should be laid in front of the fireplaces, a trap door made to the roof, and a zinc roof should be placed on the building. It was while carrying out this last direction that the flame was lit that resulted on the one hand in the destruction of Canova's splendid statue of Washington and on the other in the erection of this noble edifice which still excites the admiration of all who behold it.

On June 21, 1831, when the work on the new zinc roof was nearly finished, the interior timbers caught on fire and the building was consumed. Two days later the *Raleigh Register* contained the following account of the catastrophe:

"It is our painful and melancholy duty again to announce to the public another appalling instance of loss by fire which will be deeply felt and lamented by every individual in our State. It is nothing less than the total destruction of the Capitol of the State, located in this city. Of that noble edifice, with its splendid decorations, nothing now remains but the blackened walls

and smouldering ruins. The State Library is also entirely consumed, and the statue of Washington, that proud monument of national gratitude, which was our pride and glory, is so mutilated and defaced that none can behold it without mournful feelings, and the conviction involuntarily forces itself upon their minds that it is a loss which cannot be repaired. The most active exertions were made to rescue this *chef-d'œuvre* of Canova from the ravages of the devouring elements, nor were they desisted from until the danger became imminent. The alarm was given about 7 o'clock on Tuesday morning, and it was presently evident that all attempts to extinguish the fire would prove perfectly fruitless. The efforts of the bystanders were then directed towards the protection of the public offices on the square and the adjacent private buildings and to the preservation of the official archives. We are happy to add that none of the former were injured, and that the latter, including the legislative records, were all saved. The beautiful grove of oaks, of which the Capitol was the center ornament, did more towards staying the progress of the flames than any human effort. Seldom has the eye witnessed so awful a spectacle as that vast building in one concentrated blaze, streaming from every window, and a vast column from the roof, forming together a scene not adequately to be described. The origin of the fire is not certainly known, but we believe the general impression is that it was the result of most culpable carelessness on the part of a man who had been employed to assist in soldering the new zinc roof, as he was seen carrying up a coal of fire between two shingles, considerably ignited, a spark from which, in all probability, fell among some combustible matter between the roof and ceiling, which took fire while the hands were at breakfast."

The citizens of Raleigh naturally bemoaned the destruction of the building, but Governor Stokes did not regard it as a great loss. In his opinion there were some mitigating circumstances. In his message to the General Assembly, when it met the following November, he said that the calamity was not so great, because the old Statehouse, built in 1794, was almost ready to tumble down of its own accord, and that perhaps many valuable lives had been saved by its being destroyed by fire instead of tumbling down on the Legislature while in session.

At once Senator Seawell, of Wake, brought forward a bill

providing for the erection of a new Capitol on the site of the old one, and a similar bill was introduced in the House. They met with slight favor. At that time the situation in North Carolina was deplorable. It was one of the darkest periods in the history of the State. There was only one political party, for the Federal party had passed away and the Whig party had not yet risen, and political action was largely colored by local interests, by factions and the ambitions of aspiring men. The West, almost in a state of revolt, because under the Constitution every county, no matter how small or how populous, was entitled to the same representation in the Assembly, realized the tyranny of a situation from which it could get no relief. The dominant East offered no hope of change. When at length a convention was called, in 1835, Governor Swain nobly gave expression to the wild feeling of her people in a moment of exasperation, "We will pull down the pillars of the temple," only to evoke Gaston's quiet reply that he had heard that Sampson had involved himself in the common ruin.

The people of the State were dreadfully poor. The West had no outlet for its surplus productions; there were no internal improvements; steam railroads had not then been introduced, and, indeed, such a man as Nathaniel Macon, reputed to be wise and patriotic, sternly set his face against the State Government undertaking any works of internal improvement.

The stream of emigrants to the far West that had begun before the Revolution had continued in increased volume. In sheer desperation the people were abandoning their native fields and making new homes in the wilderness; the population of the State was at a standstill. While Virginia and the two Carolinas were peopling the region from the Ohio River to New Orleans, they themselves could not increase in population. Between 1820 and 1840 that Western region gained 1,700,000 souls, while the three mother States made no appreciable gain in white population. They made a magnificent gift to the Union, but it was at the expense of their own life blood.

Our towns remained villages. New Bern, the Athens of the State, the largest of our towns, boasted only 4,000 souls. Wilmington had somewhat recovered from her tremendous loss in 1819, when 200 houses and a million dollars of property went up in flames, and had about 3,000; while Fayetteville, at the

head of water navigation, the most accessible to the interior, priding herself as the trade emporium of the State, followed fast with 2,900. Raleigh, still ensconced in her surrounding thickets, had 2,244 citizens.

More than one-seventh of the grown white men could not read or write; but there was an intellectual class—learned divines and doctors and judges and lawyers and public men. That being before buggies were invented, these traveled over the State in their high-stick gigs and laboriously discussed public affairs—the tariff, the sectional issue (then assuming great importance), the Nat Turner insurrection, and the State issue between the West and the East, that could only be quieted by a State convention, and the demand of Fayetteville that the capital be removed to the banks of the Cape Fear.

Such was the condition when the Assembly met in November, 1831, after the conflagration. A letter written by one of the body—one of the first men of that period—well portrays it: “We are distracted, rent asunder by factions, and the result of the legislative discussions and dissensions will be, I fear, that we will separate in anger, after having proved ourselves unprofitable servants. There are five parties here. The largest (but it does not quite constitute a majority) is for rebuilding the Capitol and is opposed to a convention in every form. This may be named the Eastern party. The next in point of magnitude is the Western party; they want a reconstruction of our Constitution with respect to political power, and want no more, but will either keep the government at Raleigh or remove it to Fayetteville, as the one or the other will favor their great end. The third in point of size is the Fayetteville party; their main object is removal, but they are willing also to go for a general convention. The two others are of about the same magnitude, the Northwestern and Southwestern parties. The former want a modification of the Constitution, but are utterly opposed to a removal; and the latter want removal, but resist the alteration of the Constitution.” In this conflict of the factions Judge Seawell’s bill was quickly disposed of. Mr. Wilson, Senator from Edgecombe, moved to table it, and it was tabled. The House bill was longer discussed. The discussion was prolonged for two days, but on a yea and nay vote the bill failed, 65 to 68. The Assembly of 1831 refused to rebuild.

A year passed, and the ruins of the old Statehouse still marked the site of the former Capitol. But the Constitution, or rather the Ordinance, of 1789 located the capital at Raleigh, and the Legislature had no power to move it. It was even questioned with great seriousness whether the Assembly could hold its sessions in the Governor's Mansion, at the end of Fayetteville Street, as that was outside of the limits of the town. To move the capital a convention was necessary, and a majority of the Legislature was not favorable to a convention.

At the session of November, 1832, the Assembly, by a vote of 35 to 28 in the Senate and 73 to 60 in the House, resolved to rebuild on the old site, and \$50,000 was appropriated for the purpose.

Mr. William Boylan, Judge Duncan Cameron, Judge Henry Seawell, Judge Romulus M. Saunders and State Treasurer William S. Mhoon were appointed commissioners to have the work done, and they were directed to make it similar in design to the old building, but more extensive, the lower story at least to be of stone, and to have a zinc roof. At first the commissioners consulted with Captain William Nichols, who had made the addition ten years before, and Mr. Ithiel Town, of New York, by whom doubtless the general plan was designed. A suitable granite was found on the State land near the city.

Women have been the origin of much trouble in this world, but a woman of Raleigh at that time achieved for herself an enviable fame and "deserved a name among the benefactors of the State." Some small railroads had been built at the North, and the Legislature had granted a charter for a railroad from Beaufort to New Bern and then on to Raleigh and the West, under the name of the North Carolina Railroad. It had also chartered the Cape Fear and Yadkin Valley Railroad, with water communication from Wilmington to Fayetteville and a railroad from Fayetteville to the West, and \$5,000 had been appropriated for surveys, but that was all. Mrs. Polk, the widow of Colonel William Polk, son of the famous Colonel Tom Polk, who proclaimed independence at Charlotte, and equally to be revered as the mother of Bishop-General Polk, of the Confederate Army, suggested the construction of a tram railway to the rock quarry and became the principal stockholder in the enterprise. It was the first railroad built in North Carolina,

and became an object-lesson to the people. It was quickly completed, and, besides the cars loaded with stone, it had on it a handsome car, drawn by a single horse, for the accommodation of such ladies and gentlemen as desired to take a railroad airing. People came from the neighboring counties for the express purpose of riding on a railroad.

The commissioners to build the Capitol, with \$50,000 at their command, did not dally. The rubbish was cleared away and the excavations made and the foundations were laid. By July 4, 1833, the corner stone was set in place. Up to that time W. S. Drummond was the superintendent and chief architect, and he was one of the principal persons in the ceremony of laying the corner stone.

The Internal Improvement Convention was in session at Raleigh at the time, and a large number of distinguished men were in attendance. Dr. Simmons Baker, Grand Master of the lodge, laid the corner stone with Masonic honors. When the ceremonies at the Capitol were ended there was a discharge of cannon to signalize the event, and then the Fourth of July oration was delivered in the Presbyterian church. At night there was a handsome illumination, elegant transparencies and a balloon ascension.

After the foundations were laid the work progressed more slowly, and it was so expensive that the appropriation was exhausted. The Legislature at its next session appropriated over \$75,000 more. To do the stone and finer work, many skilled artisans had been brought from Scotland and other countries. Among them were some who remained among us and made a valuable acquisition to our citizenship. Part of the work was conducted under the supervision of W. S. Drummond and another part under Colonel Thomas Bragg, father of Governor Bragg; but these arrangements did not prove satisfactory, and a year later, in September, 1834, Mr. Town, of New York, acting for the commissioners, contracted with David Paton to come to Raleigh and superintend the work.

Mr. Paton was an architect who had come from Scotland the year before. He was then thirty-three years of age. He was the son of John Paton, of Edinburgh, who was an extensive builder in that city and vicinity and who had built the greater part of the new town and constructed the famous Dean



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Bridge across the water of Leith, and he ranked high in his profession. His parents were of gentle birth. David Paton, the elder, father of John, married a sister of Lord Campbell, of Monzie Castle, one of the oldest families of Scotland, and his father married Eleanor Roper, a sister of Sir Timothy Roper. Thus, through two previous generations the Patons were associated with persons of consequence and had distinguished connections. Having received a liberal education at the University of Edinburgh, David Paton took up the profession of his father and was regularly bred as an architect and builder under his father and under Sir John Sloan, R. A., professor of architecture to the Royal Academy of London. He had married, but had lost his wife, who, however, had borne him a daughter. Circumstances had brought him to New York, where he became known to Mr. Town, who employed him, in the name of the commissioners, to superintend the building of the Capitol. Mr. Town wrote to the commissioners: "I have a high opinion of him as a gentleman and an artist, both in the theory and practice of the building art." And, indeed, no one could have answered the purpose of the commissioners better than Mr. Paton. He was not merely an accomplished architect, but an experienced builder. Not only was he familiar with the beauties of the most famous designers in the world, but he knew how to work and how to employ workmen to the best advantage. He soon demonstrated his capacity. When he first came the cost of overseeing was \$25 a day. He reduced that cost to \$9. Twenty-eight stonecutters were paid \$81 a day. This he reduced to \$56. He made a saving in these two items alone of \$42 a day. He found himself to be not merely the supervisor of the work, but the superintendent; not merely the superintendent, but the bookkeeper and paymaster. He had every detail of the work on his shoulders. And, then, he had to make the working drawings. He was the builder, the architect, the designer. What experience he had under his father in the matter of construction was of great value, but the learning he obtained under the pupilage of Sir John Sloan when he attended the Royal Academy at London, studying the remains of those magnificent structures that made the Acropolis at Athens the glory of the world, now came into play, and he was found to be the very man, in every

particular, that the commissioners needed. He soon had their entire confidence and the esteem of all with whom he was associated.

On January 1, 1835, the old board resigned. State Treasurer Mhoon was then succeeded by State Treasurer Samuel F. Patterson. General Beverly Daniel became chairman of the board. Governor Charles Manly, Alfred Jones, of Wake, and Charles L. Hunter, of Wake, afterwards State Treasurer, were the new members. When they retired from the board Judge Cameron and Treasurer Mhoon wrote to Mr. Paton: "We take much pleasure in communicating to you our confidence in your skill and competency as an architect, and our approbation of the manner in which you have fulfilled your duty since you have been in the employ of the board." In view of the magnitude of the work, Mr. Paton thought that his compensation should be increased, but the new board urged him to remain, holding out the inducement that the Legislature would increase his remuneration when the work was finished. A year later the commissioners, of their own accord, increased his pay. In the beginning of 1837 he was invited to enter into the service of the Federal Government as an architect to construct the arsenal at Fayetteville, but declined to abandon his work on the Capitol.

At Raleigh he was esteemed by those gentlemen with whom he was associated. General Daniel, writing, in May, 1836, to Colonel Baldwin, late chief engineer in the United States service, said: "Allow me to say that Mr. Quinnerly's impression as to the professional skill of Mr. Paton is only such as he justly merits, and at the same time to add that his moral worth is no less appreciated by those who know him." No man in his day was more careful in weighing his words than the venerated Dr. William McPheeters, the pastor as well as the teacher, of Raleigh. In writing a note to Mr. Paton he concluded: "Accept, dear sir, the assurance of my high regard."

Captain J. A. J. Broadford, who a quarter of a century later was one of the Board of War to conduct the military operations of North Carolina, in offering him the work of constructing the arsenal at Fayetteville, said: "Without wishing to deprive the State of your valuable services, I should nevertheless be pleased if you find it advantageous to accept it. With much respect, I am, my dear sir, yours very truly," etc.

On every side he had made warm friends and had drawn to him the respect of all who appreciated excellence of character, moral worth and fine attainments. He found friends also among the ladies, and, although deeply interested in his work, he courted and was married to Miss Annie B. Farrow, of Washington, N. C.

As he managed every department of the work, from making the plans to paying off the hands, he is entitled to receive the plaudit of "Well done, good and faithful servant," for no finished work ever gave greater satisfaction. In the construction he made over three hundred working drawings which he preserved. How many he failed to preserve is unknown.

Regard the mouldings, the arches, the pillars of the porticos and lower hallway; stand in the exquisitely proportioned rotunda; consider for a moment the construction of the rotunda—the floor self-supporting—a wonderful exhibition of architectural skill. But the masterpiece is certainly the Senate Chamber. View it from the open gallery. What can be more elegant in design, more perfect in execution? Or stand in the hall of the House of Representatives and let your feelings attune themselves to the noble scene. How lofty the emotions that naturally swell the bosom in the presence of such glorious architecture! These halls are reproductions of the most classic halls of ancient Greece. They speak to us of the renowned Pericles, and of those famous artists who, under his directions, made the Acropolis at Athens the wonder of the world. They carry us to the Parthenon and to those other temples on the Acropolis, perfect in their simplicity, which men may reproduce, but never excel.

In 1839, when the Capitol was nearing completion, Mr. Lemay having asked for a description of the building, Mr. Paton wrote him some account of it. Mr. Lemay opened the article in his newspaper:

"Henceforth our youth may never need to roam,
The arts to study; better seen at home."

In the course of his article he remarked: "We say to our citizens at home and our friends abroad that there is no building in the Union superior to and but one equal with this, in point of material, style and construction."

Mr. Paton, in his letter, said that the details of the porticos are of the Temple of Minerva, commonly called the Parthenon. The east and west vestibules are richly decorated with granite columns, copied from the Ionic Temple of Ilissus, near Athens. The rotunda, the vestibules and the legislative chambers are reproductions from the Octagon Tower of Andronicus Cyrrhestes, of the Temple of Erechtheus, Minerva, Polias and Pandorus, in the Acropolis.

That wonderful building, the Library at Washington, is composed of reproductions of the most beautiful architectural designs in the world. One beholds here a staircase, there a niche, here a corridor, there an arch—deemed the most exquisite that man has created; but the sight is dazzling, like a kaleidoscope; there is no unity or harmony of design. Here, in this perfect building, we have entire harmony. It is all the simple style of the noble Greek conception. It is the perfection of architecture.

“Before concluding,” says Mr. Paton, “I may remark that the stone with which this edifice is constructed is of the toughest and hardest description, containing less iron than any stone I have ever seen: hence it presents a beautiful cream color, of a much warmer tint than marble.”

Not only an experienced builder, not only skilled in architecture, Mr. Paton proved himself in his perception of the beautiful to be an artist of high merit. Three-quarters of a century has elapsed, and another artist of high merit, whose life is devoted to the study of the beautiful, is drawn to Raleigh to put in marble one of our greatest and most illustrious citizens. Observing the Capitol, he said: “I consider that there is no building in the country of its size which, for color, for care in construction and purity of style, is its superior. The only building which I ever saw with that beautiful, rich yellow color in your Statehouse is the ruined Parthenon at Athens.” Consider—near two thousand five hundred years have brought their changes to mankind, but the Parthenon remains the most splendid conception of art. Our State Capitol was, when first finished, the most perfect building of the kind in America, and to-day remains unequaled; and were it to stand undisfigured by later generations for a thousand years it would still be regarded as unsurpassed by any building in America.

In March, 1840, when the Capitol was nearing its completion and the State of Tennessee had in contemplation the erection of a similar building, Governor Edward B. Dudley wrote to James K. Polk, then Governor of Tennessee, as to the qualifications of Mr. Paton to do that work, and said: "I believe our Capitol will proudly bear a comparison, for beauty, symmetry and strength, with any building within my knowledge, and it is generally admitted by most travelers to be a very superior structure."

Treasurer D. W. Courts said: "I can with great pleasure bear testimony to Mr. Paton's close attention to his business, and the edifice is itself a proud and enduring monument of his great skill as an architect."

Later, Mr. John Primrose, writing to Mr. Paton, said: "The Statehouse is the pride of all our citizens; and, indeed, all travelers who have seen it think it the most handsome building in the Union; and for its masterly workmanship few, if any, can come up to it. All strangers give their testimony in favor of its perfectness and elegance to anything of the kind they have seen; and I think it will be the best monument of your fame as to your ability in your profession as an architect that could be gained for you."

In the summer of 1840 the work was finished. The Assembly had, in December, 1832, appropriated \$50,000 for the building, but certainly not with the expectation that that amount would suffice. Mr. Boylan, Judge Cameron and State Treasurer Mhoon and their associates spent that sum in the foundation. They proposed to have a Capitol worthy of the State. At every subsequent session the Assembly made additional appropriations. To be sure, there was some cavilling, and the commissioners resigned; but the Legislature and the new commissioners took no step backwards. Year by year they pressed on the work as it had been begun, until at last, after more than seven years, the sum of \$530,000 was expended. As large as that sum was for the time, when the State was so poor and when the entire taxes for all State purposes reached less than \$100,000, yet the people were satisfied. The building had been erected with rigorous economy, and it was an object of great pride to the people. Indeed, never was money better expended than in the erection of this noble Capitol.

His work being done, in the summer of 1840 Mr. Paton returned to New York, and, on the urgent solicitation of his father, he sailed for Edinburgh soon afterwards.

In 1847 the office of Superintendent of Public Works of Edinburgh became vacant, and testimonials of the most substantial character were presented to the aldermen of that city for his appointment. The testimonials given by Lord Cunningham, John Learmouth, the late Lord Provost and other men of high standing to his character and capacity are now enduring witnesses of his worth in private life and in public employment, and of his efficiency in his profession.

In 1849 Mr. Paton returned to America, and for more than thirty years he was professor in the American Institute of Architecture, of Brooklyn, and the Mechanical Institute, of New York. There he rendered loyal service in his profession by training others, as he was trained, to study the beautiful, to build solidly, and to erect noble edifices.

Like many others, gifted by nature to enjoy and appreciate the exaltations of noble things, he was simple in his habits and tastes. As his pastor, the Rev. Dr. Patterson, the Presbyterian minister, of Brooklyn, said on the occasion of his funeral, "He was never looking for evil in anyone, and as he was good himself he thought everyone else was good." And Dr. Patterson added: "I have known him intimately for more than thirty years, and have never met such a perfect Christian gentleman—kind and good, too charitable for his own good, as regards to heaping up riches." Such a life he led in the time of his mature manhood—the intellectual life of a learned professor, dealing with the noblest creation of architectural genius; the perfect Christian gentleman, benevolent to his own hurt, esteemed and revered. At length, on March 25, 1882, he died and was interred in Cypress Hill Cemetery, in Brooklyn.

By his first wife Mr. Paton had a daughter, Eleanor Murray, who remained in Scotland, marrying John Wyld, a banker, of Glasgow, a kinsman of Gladstone.

His North Carolina wife bore him eight children—Anna, who died unmarried; Theresa, who became the wife of Elbert Snedeker, once the general manager of the Brooklyn Elevated Railway; Sarah, who married Nathaniel Bush, an architect, of Brooklyn; Matilda, who is the wife of Mr. William Van Gor-

don, of New York; Mary, who is the wife of Oscar Silvey, of Denver; John Paton, of New York; Esther, who married, first, Mr. H. F. Hopkins, by whom she had two sons, and who now is the wife of Mr. E. M. Shute, of New York, and Agnes Charlotte. Agnes, just before the outbreak of the Civil War, came to Washington, N. C., to visit her grandmother. Her health was delicate and it was thought that passing a few winters at the South would be beneficial. The war coming on, she remained with her grandmother, Mrs. Farrow, and grew up so Southern in her sentiments that she did not care to return permanently to the North. She became the wife of Mr. C. E. Foy, of New Bern. Her living children are Claudius B. Foy, Annie E. Foy and Agnes, the wife of Dr. Raymond Pollock, of Kinston. It is especially due to the laudable interest of Mrs. Foy and her children and Mrs. Shute that the portrait of Mr. Paton has been prepared for presentation to the State. They regard with pride his achievements, and are justly proud of his fine character, his natural endowments and professional attainments. As the architect and builder of this beautiful and elegant Capitol building, they hope that his portrait may find an appropriate place in the edifice constructed by his skill and genius.

This portrait was painted by Mr. Jacques Busbee, of Raleigh, and is regarded as a most excellent likeness and as doing great credit to the artistic ability and skill of that talented son of North Carolina.

Your Excellency, my task is done, and yet I linger on the subject.

Not seventy years have passed since the completion of this building, yet it has undying memories. It was finished the year Henry Clay was set aside and his place as the Whig leader given to General Harrison. Four years later Clay spoke from the western portico; but, like Webster and Calhoun, the prize of the presidency was denied him. The voices of other men of large mould also have been heard within this Capitol. Here, too, our great jurists—Gaston, Ruffin, Pearson and their associates—held their sessions and brought renown to North Carolina. Here Badger, Mangum, Dobbin and scores of men known to fame held high debates. Here was brought forth in great travail our sys-

tem of internal improvements, and of education, ramifying the State, disseminating enlightenment and opening the pathways to prosperous, contented and happy homes for our people.

Here Ellis and Clark and the mighty Vance directed the affairs of State in the trying days of war and suffering and desolation, the glories mingled with pain and sorrow, and fading away in heartrending defeat; but through it all the women and men, alike heroes, worthy the poets' loftiest strains. Then, when the people were still bowed in anguish, Carolinians turned their faces to the future, and, with resolution and intelligence, themselves modified their laws and institutions to meet the new conditions; but in vain, for these mute walls are witnesses of the saturnalia of Reconstruction still awaiting some Dante to portray the scenes with realistic power. Yet the dark cloud had its silver lining, and the courageous devotion of Jarvis, John Graham and their Spartan band adds historic interest to that time of fearful storm.

Later, here was the scene of the great State trial, the impeachment of the Chief Magistrate of the Commonwealth and the contest between the intellectual giants of that generation, Governor Graham and Bragg and Merrimon, contesting with Smith and Coningland and Richard Badger.

And these walls have witnessed the reversal of that State policy forced on an unwilling people by the mailed hand of the conquering power, and the full restoration of Anglo-Saxon control. Never in history has a people been so clearly and effectually vindicated as those gallant souls of North Carolina, who, emulating the constancy of Hamilcar, swore their children to undying opposition to those who would destroy their civilization. Let the oppressed of future ages gaze on the scene and take courage. Already hallowed are the memories that these chambers evoke. What grand occasions yet await them! We may not lift the veil of the future, but experience warns us that history constantly repeats itself, and as the web woven by destiny unrolls itself there will yet occur within these enduring walls occasions of surpassing magnitude affecting the weal and woe of our posterity.

THE ACCEPTANCE BY GOVERNOR W. W. KITCHIN.

Captain Ashe:

We have heard with great interest and benefit your eloquent tribute to the high moral character and splendid architectural ability of the late David Paton, and also your remarks about this beautiful Capitol, possibly the best production of his skill and genius.

We appreciate the thoughtfulness and generosity of the donors you represent in the presentation of the portrait of the architect of this Capitol. With the consent of the Council of State, already expressed, I accept the portrait for the State. It will be hung in an appropriate place in this building, to remind its visitors both of the high Christian character of its architect and of the great service he rendered to the State in its construction.

THE
GREAT SEAL

OF THE

STATE OF NORTH CAROLINA

1666-1909

BY

J. BRYAN GRIMES

SECRETARY OF STATE

THE NORTH CAROLINA HISTORICAL COMMISSION.

J. BRYAN GRIMES, *Chairman.*

W. J. PEELE,

D. H. HILL,

THOMAS W. BLOUNT,

M. C. S. NOBLE.

R. D. W. CONNOR, *Secretary,*

RALEIGH.

THE GREAT SEAL

OF THE

STATE OF NORTH CAROLINA.

The numerous inquiries received at the Secretary of State's office concerning "The Great Seal of the State of North Carolina" suggest the preparation of a sketch giving descriptions of the various seals which have been used in the Colony and State of North Carolina.

In the colonial period there were four different seals. Since North Carolina became a State there have been five distinct seals used. The second charter granted by King Charles the Second to the Proprietors of Carolina, dated the 30th day of June in the seventeenth year of his reign, A. D. 1665, recited the fact that he had been "graciously pleased to grant unto our right trusty and right well-beloved cousin and counsellor Edward Earl of Clarendon, our high chancellor of England; our right trusty and entirely beloved cousin and counsellor George Duke of Albemarle, master of our horse; our right trusty and well-beloved William now Earl of Craven; our right trusty and well-beloved counsellor John Lord Berkeley; our right trusty and well-beloved counsellor Anthony Lord Ashley, chancellor of our exchequer; our right trusty and well-beloved counsellor Sir George Carteret, knight and baronet, vice-chancellor of our household; our right trusty and well-beloved Sir John Colleton, knight and baronet; and Sir William Berkeley, knight; all that province, territory, or tract of ground, called Carolina, situate, lying and being within our dominions of America; extending from the north end of the island called Luke Island, which lieth in the southern Virginia seas, and within thirty-six degrees of north latitude; and to the west, as far as the south seas; and so respectively as far as the river of Matthias, which bordereth upon the coast of Florida, and within thirty-one degrees of northern latitude; and so west, in a direct line, as far as the south seas aforesaid."

NOTE.—All the illustrations used herein are the actual sizes of the seals they represent.

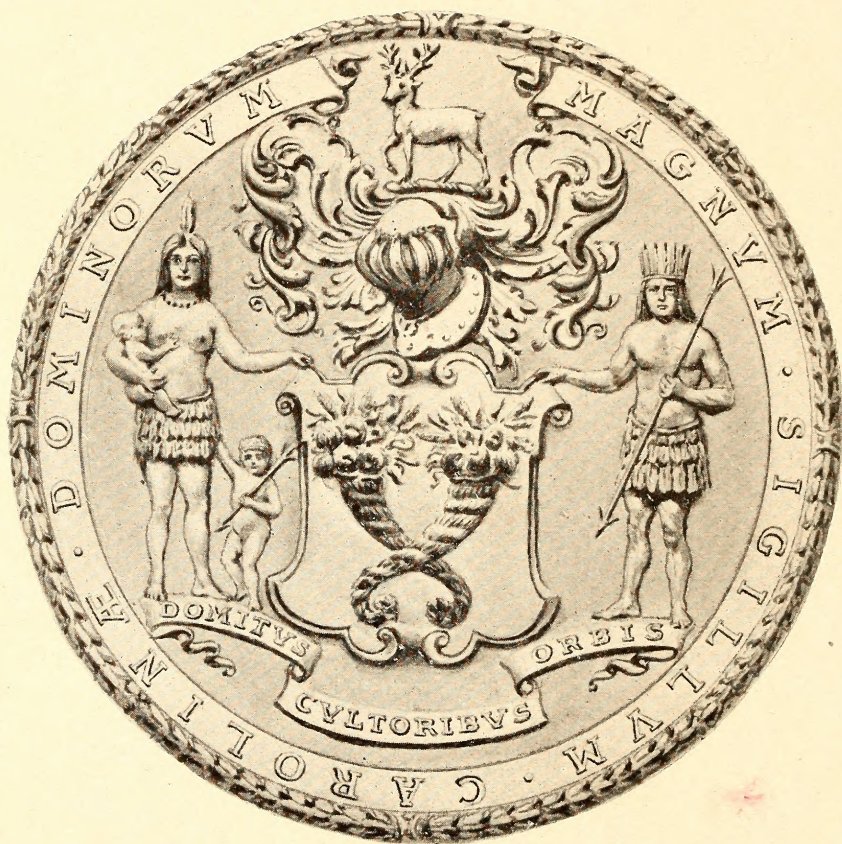
The cut of the Albemarle seal is taken from an impression in the courthouse at Edenton; those of George II. and George III. from seals loaned by Mr. John G. Wood, of Edenton, and by the Hall of History at Raleigh.

These high functionaries thought proper to adopt for this imperial domain a seal, of which no official description has been found, but is to be seen in the Public Record Office in London. The obverse side has a shield bearing on its face two cornucopias crossed, filled with products and having for supporters, on the sinister side, an Indian chief holding an arrow. On the dexter is an Indian squaw with a pappoose by her side and one in her arms. These natives, I imagine, are supposed to be bringing tribute. The crest is a stag upon a wreath above a helmet from which there is a mantling. On the scroll below the shield is the motto, *DOMITUS CULTORIBUS ORBIS*. Around the shield are the words *MAGNUM SIGILLUM CAROLINAE DOMINORUM*. On the reverse is a disc bearing a cross, around which are arranged the coats-of-arms of the Lords Proprietors in the following order: Clarendon, Albemarle, Craven, John Berkeley, Cooper, Carteret, William Berkeley and Colleton. The size of this seal is $3\frac{3}{8}$ inches in diameter, and was made by placing together two wax cakes with tape between before being impressed, and was about $\frac{1}{4}$ inch thick. This seal was used on all the official papers of the Lords Proprietors for Carolina, embracing North and South Carolina.

About 1665 the Government of Albemarle was organized, and they adopted for a seal the reverse side of the seal of the Lords Proprietors. Between the coats the word *A-L-BE-M-A-R-L-E* was fixed in capitals, beginning with the letter A between the arms of Clarendon and Albemarle, L between Albemarle and Craven, BE between the Craven arms and those of Lord John Berkeley, etc.

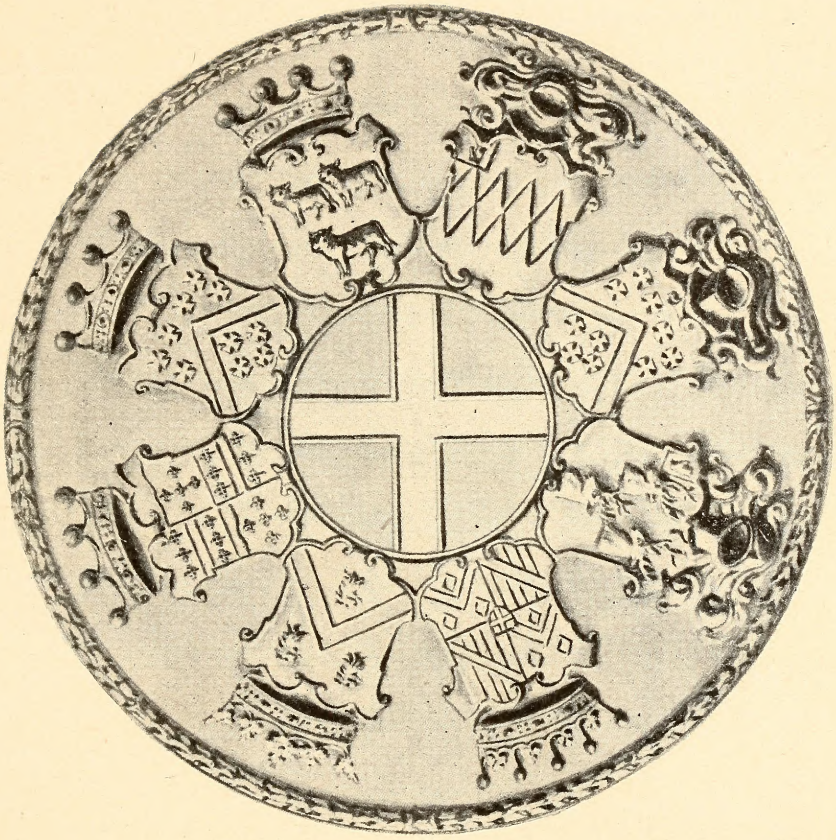
This was a small seal $1\frac{7}{16}$ inches in diameter, with one face only, and is now frequently to be found attached to colonial papers. It is generally impressed on red wax, but is occasionally seen impressed on a paper wafer which is stuck to the instrument with soft wax. It was first used for the government of the County of Albemarle, and then became the seal of the Province of North Carolina, being used until just after the purchase by the Crown.¹ During the troublous times of the Cary rebellion the Albemarle seal was not used. In 1708 Cary used his family arms on a large seal to his official papers. A fine

¹Colonial Records, Vol. IV, p. 1200. See Appendix.

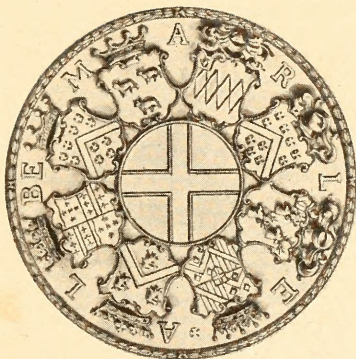


SEAL OF THE LORDS PROPRIETORS OF CAROLINA.
(Obverse.)

ACTUAL SIZE OF SEAL.



SEAL OF THE LORDS PROPRIETORS OF CAROLINA.
(Reverse.)



SEAL OF THE GOVERNMENT OF ALBEMARLE AND
PROVINCE OF NORTH CAROLINA 166— TO 1730.

ACTUAL SIZE OF SEAL.



specimen of this seal showing the Cary arms is preserved in the Secretary of State's office. During Glover's presidency (1710) he used his private seal, and on one occasion he writes: "These papers ought to have come under the public seal, but that being forcibly detained in the hands of those who are professed enemies of the Church as well as to all good order, it could not be procured on this occasion."²

In 1720 Westmoreland and others composing the Lords of Trade proposed to the Lords Justices "that two great seals should forthwith be prepared to be used in the two Provinces of South and North Carolina,"³ but I find no record of any action being taken upon this recommendation. On February 3, 1729/30, the Lords of Trade recommended to the King that he order a public seal for the Province of North Carolina.⁴

On February 21, 1729/30, his Majesty in council was pleased to approve and order "that a Publick Seal be prepared and given to the Governor of the said Province of North Carolina. And that the said Lords Commissioners for Trade and Plantations do cause a Draft of such seal to be prepared and laid before His Majesty at the Board for his Royal Approbation."⁵

On March 25, 1730, the Lords of Trade laid before his Majesty for his royal approbation a draft of a proposed seal for the Province of North Carolina "whereon Liberty is represented introducing Plenty to your Majesty with this Motto *Quae sera tamen respexit* and this inscription round the circumference *Sigillum Provinciae Nostrae Carolinae, Septentrionalis*." The background on which the King and these figures stand is an outline map of the coastal region of North Carolina, and in the offing is to be seen a ship. "On the reverse of this seal we would humbly propose Your Majesty's Arms, Crown, Garter, Supporters and Motto with this Inscription round the circumference, *Geo: II: Dei Gratia Magnae Britanniae Franciae, et Hiberniae, Rex, Fidei Defensor, Brunsvici et Lunenbergi Dux, Sacri Romani Imperii Archi Thesaurarius, et Elector*."⁶ On the 10th day of April, 1730, the King approved the above recommendations, except that it appears *Georgius Secundus* was to be substituted for *Geo. II.*, and his chief engraver of seals was ordered to "engrave a silver seal according to said draught."⁷ Mr. Rollos,

²C. R., Vol. I, p. 733.

³C. R., Vol. III, p. 75.

⁴C. R., Vol. III, pp. 79-80.

⁵C. R., Vol. II, p. 394.

⁶C. R., Vol. III, p. 76.

⁷C. R., Vol. III, p. 80.

his Majesty's engraver, was ordered to prepare a draft of the seal.⁸ About this same time Mr. Rollos was preparing seals for New Jersey,⁹ the Barbadoes, Jamaica and Virginia.

In 1730 the new seal for North Carolina was sent to Governor Burrington and the old seal ordered returned "to our Commissioners of Trade and Plantations to be laid before us as usual in order to its being defaced in like manner with other seals by us in our Privy Council."¹⁰

There seems to have been some delay in receiving the new seal, for at a council held at Edenton, March 30, 1731, it was "ordered that the old seal of the Colony be used till the new seal arrives."¹¹ The latter part of April the seal came, and "the messenger that went to Cape Fear to fetch the Publick Seal of this Province" was paid the sum of ten pounds for his journey.¹²

This seal was made by placing two cakes or layers of wax together, between which was the ribbon or tape with which the instrument was interlaced and by which the seal was appended. It was customary to put a piece of paper on the outside of these cakes before they were impressed. The seal complete was $4\frac{3}{8}$ inches in diameter and from $\frac{1}{2}$ to $\frac{5}{8}$ inch thick and weighed about $5\frac{1}{2}$ ounces.

In 1736 Governor Johnston imagined that the seal of the late Lords Proprietors "might yet remain in the Province and be privately affixed to blank patents which had been left subscribed with the names of the Proprietors' Council, but not sealed," so an inquiry was made of Governor Burrington and Mr. Skelton, Secretary of the late Lords Proprietors, to know what had been done with the old seal; whereupon Governor Burrington reported that he had transmitted the Proprietors' seal to the Duke of Newcastle, one of the King's Secretaries of State.¹³

In January, 1739/40, Governor Johnston was reproved for his failure to annex the Great Seal of the Province to Acts transmitted to Whitehall.¹⁴

At a council held at New Bern, December 14, 1767, Governor Tryon produced to the Board a new Great Seal for the Province

⁸C. R., Vol. III, p. 125.

⁹Zieber, *Heraldry in America*, p. 157.

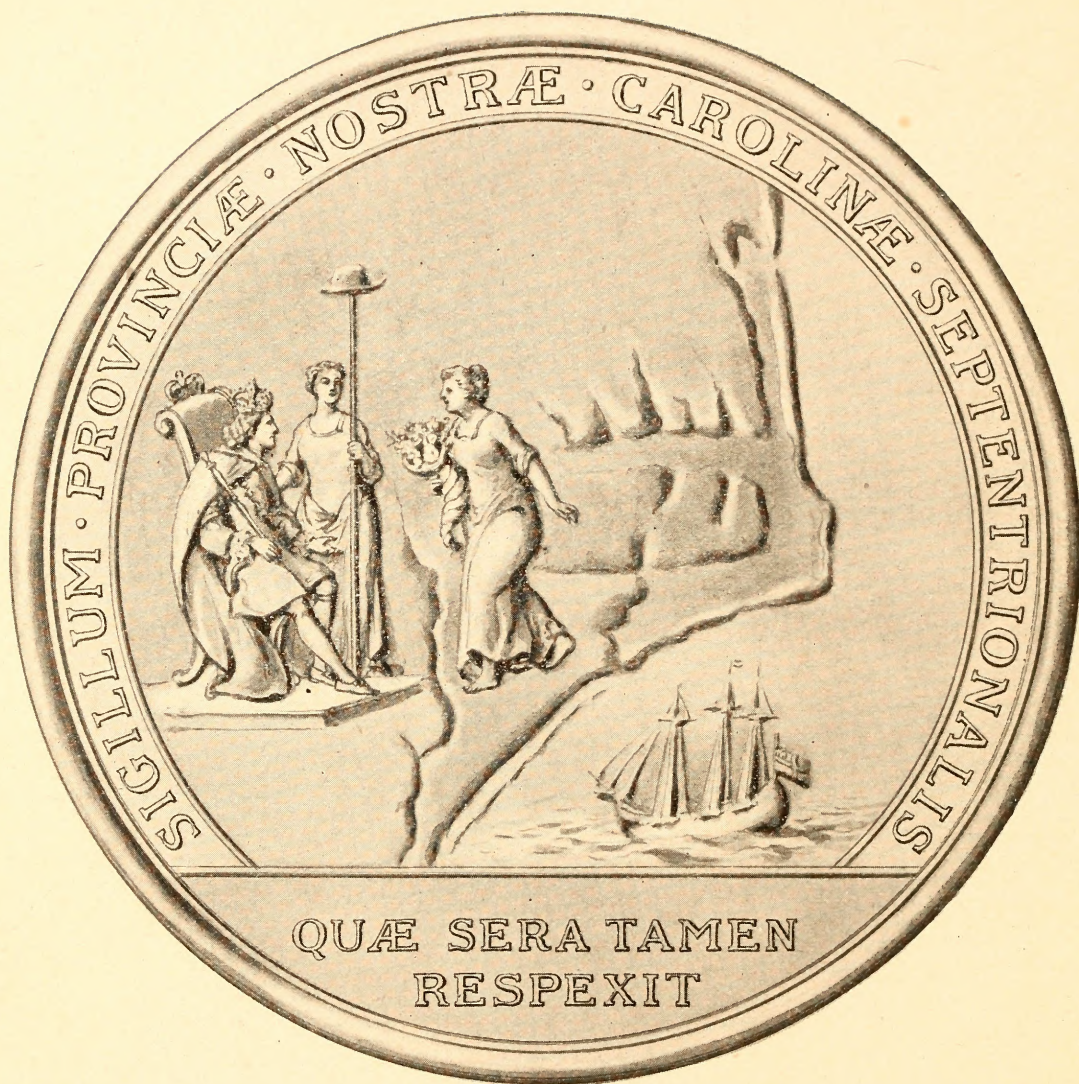
¹⁰C. R., Vol. III, pp. 119, 120, 125, 133.

¹¹C. R., Vol. III, p. 215.

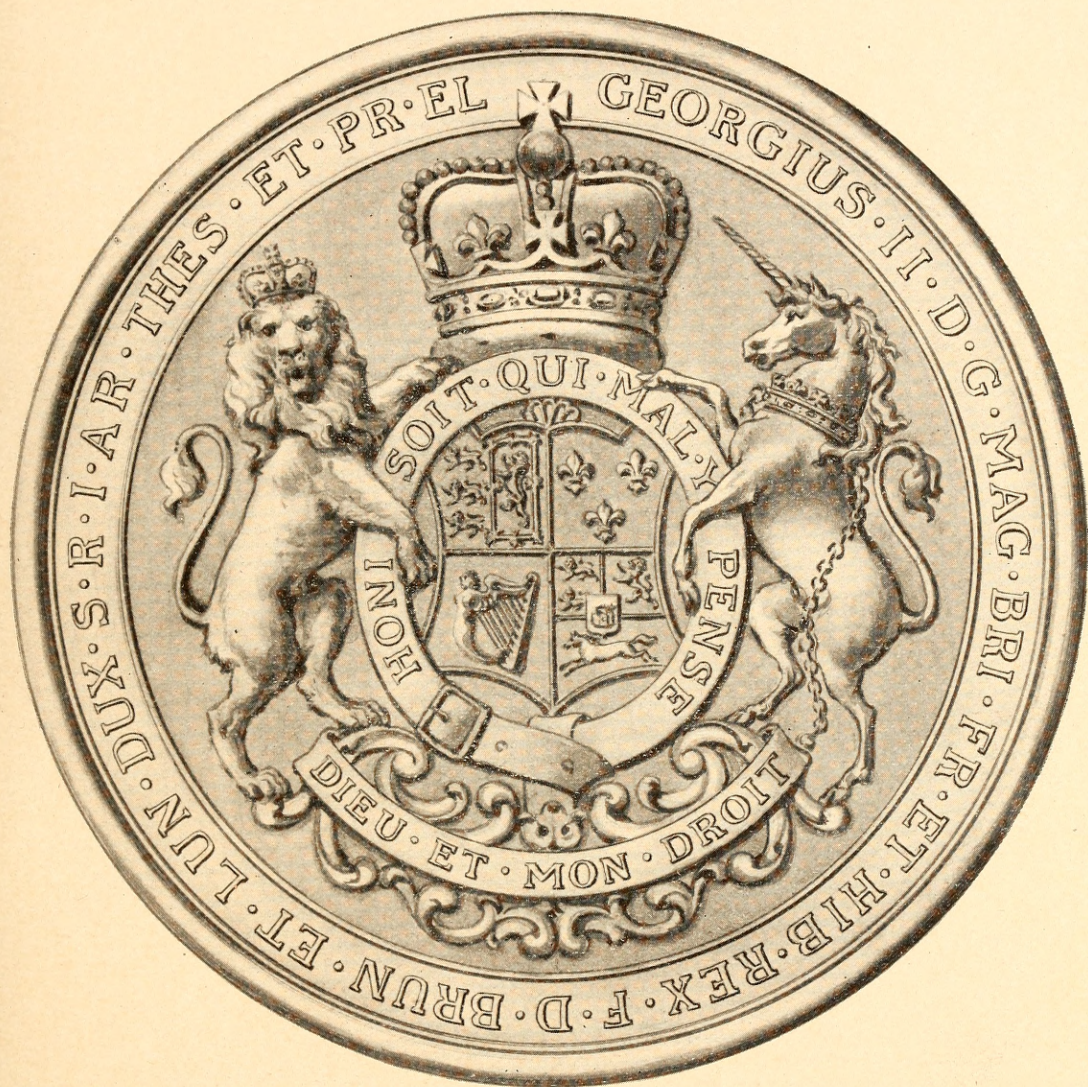
¹²C. R., Vol. III, p. 303.

¹³C. R., Vol. IV, pp. 201, 202, 213, 214.

¹⁴C. R., Vol. IV, pp. 420, 424.



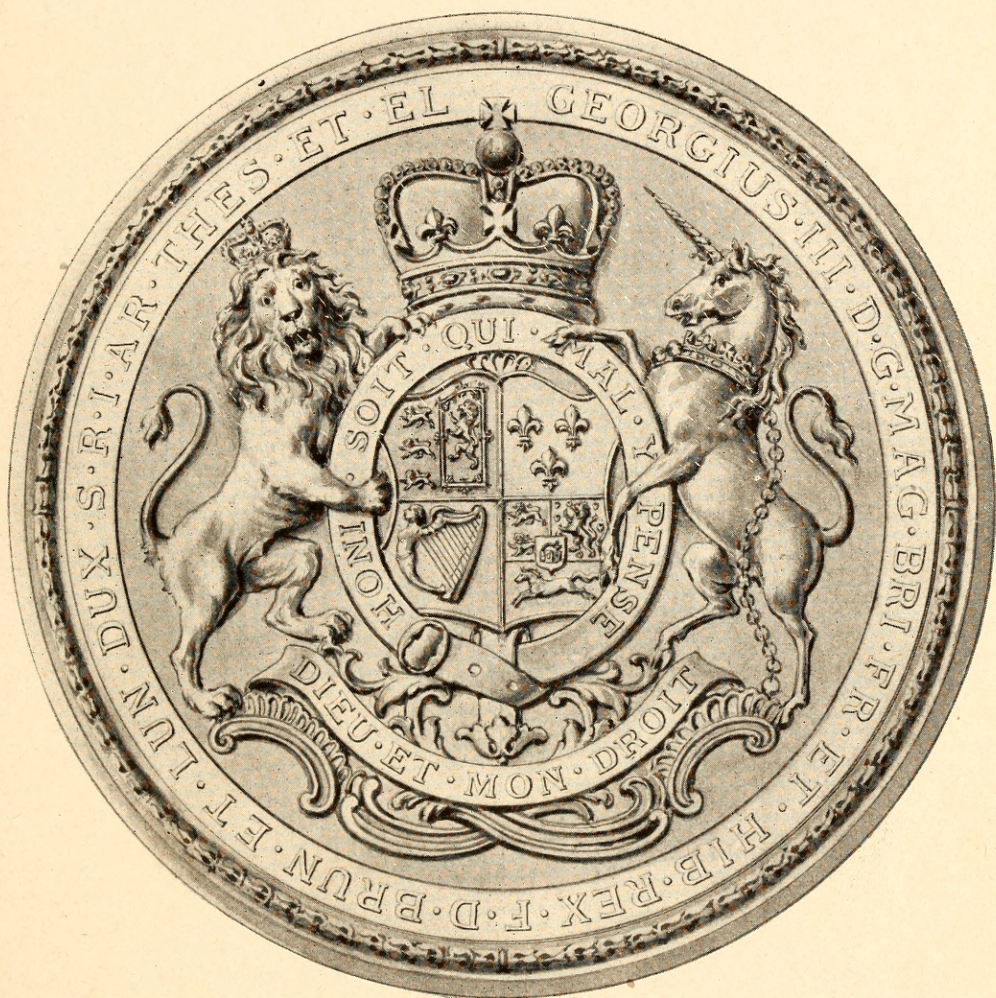
SEAL OF THE PROVINCE OF NORTH CAROLINA 1730-1767.
(Obverse.)



SEAL OF THE PROVINCE OF NORTH CAROLINA 1730-1767.
(Reverse.)



SEAL OF THE PROVINCE OF NORTH CAROLINA USED AFTER 1767.
(Obverse.)



SEAL OF THE PROVINCE OF NORTH CAROLINA USED AFTER 1767.
(Reverse.)

with his Majesty's Royal Warrant bearing date at the Court of St. James the 9th day of July, 1767. The old seal was sent to New York by Captain Collet, commander of Fort Johnston, to be returned to his Majesty's Council Office of Whitehall. Accompanying his Majesty's warrant was a description of the new seal, which was engraved on the one side with the royal "Arms, Garter, Crown, Supporters and Motto, and this inscription round the circumference *Georgius III D: G: Mag. Bri. Fr. et Hib. Rex, F. D. Brun, et Lun. Dux. S. R. I. ar Thes. et El.* on the other side our Royal Effigies; and Liberty represented introducing Plenty to us, with this Motto—*Quae Sera Tamen Respexit*—and this legend round the circumference *Sigillum, Provinciae Nostrae Carolinae, Septentrionalis.*" This seal was to be used in sealing all patents and grants of lands and all public instruments passed in the King's name and service within the province.¹⁵ It was 4 inches in diameter, $\frac{1}{2}$ to $\frac{5}{8}$ inches thick, and weighed $4\frac{1}{2}$ ounces. In 1767 "His Majesty in Council approved fourteen new seals for the following Islands and Provinces in America viz: Jamaica, Barbadoes, Leeward Islands, Bahama Islands, Nova Scotia, Massachusetts Bay, New Hampshire, New Jersey, New York, Virginia, North Carolina, South Carolina and Georgia."¹⁶ It is probable that the reverse of all these was the same and in some of them the obverse sides had points of similarity.

It appears that sometimes a smaller seal than the Great Seal was used, as I have seen commissions and grants with a small heart-shaped seal about one inch wide and a quarter of an inch thick which was impressed with a crown. Also a seal was occasionally used about three inches long and two inches wide and half an inch thick, in the shape of an ellipse. These impressions were evidently made by putting the wax far enough under the edge of the Great Seal to take the impression of the crown. The royal governors also sometimes used their private seals on commissions, etc.

Lord Granville on the grants issued by him used his private seal. The last reference I find to the Colonial Seal is in a letter from Governor Martin to the Earl of Hillsboro in November,

¹⁵C. R., Vol. VII, pp. 532-533.

¹⁶C. R., Vol. XI, p. 211.

1771, in which he said "that the Province Seal was broke," but that he had had it repaired and that it had been "awkwardly mended but in such manner as to answer all purposes."¹⁷

When the government of the State of North Carolina was organized, the Constitution adopted at Halifax, December 18, 1776, provided, Section XVII, "That there shall be a seal of this State, which shall be kept by the Governor, and used by him as occasion may require; and shall be called the Great Seal of the State of North Carolina and be affixed to all grants and commissions." The Constitutional Convention of 1835 brought this section forward unchanged.

The Convention of 1868 changed the Constitution somewhat and the Convention of 1875 brought the section referring to the seal forward as adopted in 1868, which now reads:

"Sec. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called 'The Great Seal of the State of North Carolina.' All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with 'The Great Seal of the State,' signed by the Governor and countersigned by the Secretary of State."

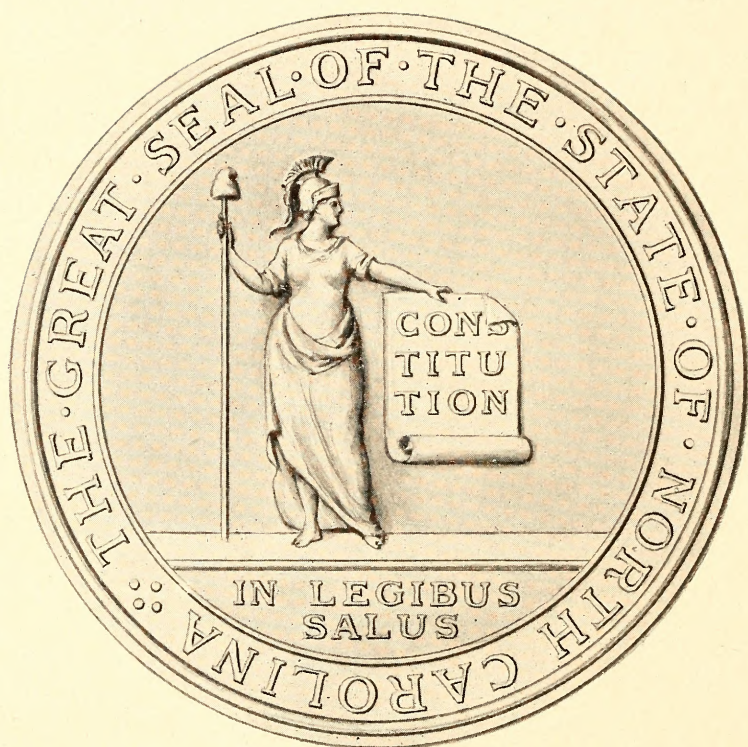
On December 22, 1776, an ordinance was passed by the Congress at Halifax appointing William Hooper, Joseph Hewes and Thomas Burke commissioners to procure a Great Seal for the State of North Carolina, but I find no record of a report being made by this commission. The ordinance provided that the Governor should use his "private seal at arms" until the Great Seal was secured. On April 29, 1778, a bill which became a law on May 2d was introduced in the House of Commons of

NOTE.—In the Constitution adopted by the free men of the State of Franklin in convention assembled at Jonesborough the 17th of December, 1784, a seal was provided for in the following section:

"Sect. 17.—That there Shall be a Seal of this State, which shall be kept by the Governor and used by him as Occasion may Require and shall be called the Great Seal of the State of Franklin, & be affixed to all Grants and Commissions." (C. R., Vol. 22, p. 666.)

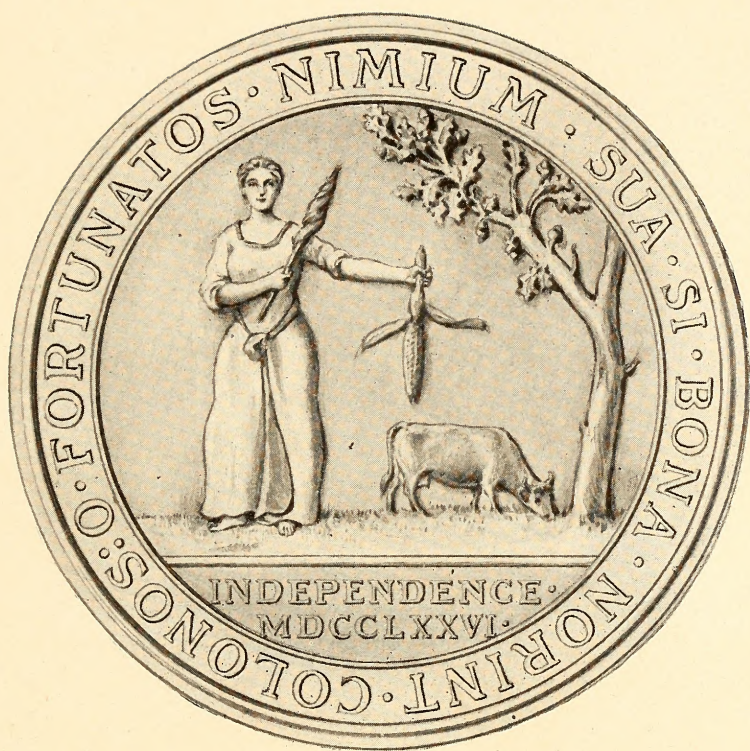
I do not recall ever having seen a seal of the State of Franklin on the Franklin papers in this office.

¹⁷C. R., Vol. IX, p. 50.



1779-1794.
(Obverse.)

ACTUAL SIZE OF SEAL.



1779-1794.
(Reverse.)

the General Assembly held in New Berne for procuring a Great Seal for the State.¹⁸ It provided "that William Tisdale, Esq., be and he is hereby appointed to cut and engrave a seal, under the direction of his Excellency the Governor, for the use of the State." On Sunday, November 7, 1779, the Senate concurred in a resolution passed by the House of Commons allowing William Tisdale, Esq., the sum of one hundred and fifty pounds for making the Great Seal of the State.¹⁹ Under this act a seal was secured which was used until 1794. The actual size of this seal was three inches in diameter and $\frac{1}{4}$ inch thick. It was made by putting two cakes of wax together with paper wafers on the outside and pressed between the dies forming the obverse and reverse sides of this seal. The seal press must have been very large and unwieldy, for Governor Spaight in writing to Colonel Thomas in February, 1793, said: "Let the screws by which the impression is to be made be as portable as possible so as it may be adapted to our present Itinerant Government. The one now in use by which the Great Seal is at present made is so large and unwieldy as to be carried only in a cart or wagon and of course has become stationary at the Secretary's office which makes it very inconvenient." Governor Spaight in January, 1793, in writing of the Tisdale seal then in use says: "The old Seal is not only nearly worn out but in my opinion has been always a reproach to the genius of the State." An official de-

NOTE.—In the library at Grimesland, among the papers of the late General Bryan Grimes, are nine of the Tisdale seals in good condition pendant to grants dated from 1779 to 1784.

There is also a seal of North Carolina, to a grant dated 1745, which is bulkier than the George II seals usually seen, and is $\frac{5}{8}$ of an inch thick and without the usual paper covering.

There are also two imperfect impressions of the Albemarle seal to two grants dated in 1715. These two grants, containing 1228 acres, then called Mt. Calvert and Mt. Pleasant and now a part of Grimesland Plantation, are among the first entries made in Tuscarora territory after the Treaty of Peace, and were the first lands granted on Tar River.

Among these papers is a grant from the Earl of Granville for 700 acres, bearing his seal, and this is the only grant I recall ever having seen with his seal attached.

¹⁸C. R., Vol. XII, pp. 612, 613, 620, 642, 646, 654, 730, 737, 759, 751.

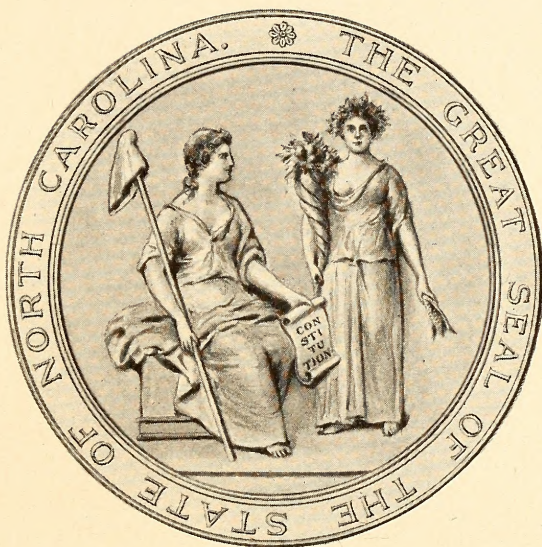
¹⁹C. R., Vol. XIII, pp. 891, 956, 983.

scription of this seal cannot be found, but many of the seals are still in existence in an almost perfect state of preservation. Of this seal Col. W. L. Saunders writes: "It had two faces or sides and made its impression upon a cake of beeswax covered with paper, three inches in diameter and near a quarter inch thick, and was the last State seal so made, the succeeding ones having one face only and being applied directly to the paper-writing to be sealed. This indeed had come to be the practice on ordinary occasions years before. Governor Tryon states in one of his dispatches that since 1750, at the request of the inhabitants living remote from the Secretary's office, paper had been substituted for parchment for grants of land and impressions on the faces of the grants for the heavy pendant wax seals. The bulk and weight of the grants to be sent out, if of parchment with pendant wax seals, caused great 'inconveniency and expense' in delivery to remote settlers. Whereas if of paper with seals impressed thereon 'one or two horsemen could take up to them all the grants issued at a court of claims.' It had been found from experience too, he said, in this climate, that parchment was more liable to destruction by insects and little vermin than paper."

The seal of 1778 may be described as follows:

On one side is the figure of Minerva or Liberty holding in the right hand the pole with cap and in the left hand with arm extended is held a large scroll on which appears in large capital letters the word "Constitution." Under the figure appear the words, IN LEGIBUS SALUS. Around the circumference are the words, THE GREAT SEAL OF THE STATE OF NORTH CAROLINA. On the other side of the shield is the figure of a woman, probably Plenty. The right arm is folded across her breast and in her right hand inclining towards her left shoulder is held a distaff. In the left hand with arm extended is held an ear of corn. In the distance beyond a tree browses a cow. Under these figures appear the word and letters INDEPENDENCE—MDCCLXXVI. Around the circumference appear the words O. FORTUNATOS, NIMIUM. SUA. SI. BONA. NORINT. COLONOS., which may be translated, How fortunate are the colonists who know their own good.

In December, 1791, the General Assembly in session at New Berne again passed an act authorizing and requiring the Governor to procure for the State a seal, and provided that it should



1794-1836.

ACTUAL SIZE OF SEAL.

"be prepared with one side only, and calculated to make the impression on the face of such grant, commission, record or other public act," etc. Governor Martin commissioned Col. Abisha Thomas, the agent of North Carolina in Philadelphia for the settlement of the State's Revolutionary claims against the Federal Government, to have one made, at the same time sending him a design therefor.²⁰ After correspondence between Governor Martin and Colonel Thomas concerning the seal, in which suggestions were made by Dr. Hugh Williamson and Senator Samuel Johnston, both attending Congress in Philadelphia at that time, they concluded that the design offered by Governor Martin would not do, and Colonel Thomas submitted a sketch by an artist. The sketch submitted by the artist to Governor Martin is as follows: "The figures are Minerva in the act of introducing Ceres with her horn of plenty to Liberty, who is seated on a pedestal holding in her right hand a book on which is inscribed the word 'Constitution.' In the background are introduced a pyramid, denoting strength and durability and a pine tree which relates immediately to the produce of the State."

This sketch, omitting Minerva and with other changes, was finally accepted by Governor Spaight, and Colonel Thomas had the seal made accordingly. The seal was cut some time in the summer of 1793, and Colonel Thomas brought it home with him in time for the meeting of the Legislature in November, 1793, at which session it was "approved." The screw to the seal would not work, so in 1794 the General Assembly passed an act authorizing the use of the old seal of 1778 until the new one could be put in order.²¹ No official description of this seal has been found, but it was very much like the present one. It has two figures, Liberty and Plenty. Liberty is seated on a pedestal with her pole in her right hand, and her cap on the pole; in her left hand is a scroll with the word "Constitution" upon it. Plenty is standing to the left and front of Liberty; around her head is a circlet of flowers; in her right hand, leaning against her shoulder, is her cornucopia, mouth upwards, overflowing with fruits and produce. In her left is an ear of corn. Around the circumference are the words THE GREAT SEAL OF THE STATE OF NORTH CAROLINA.

²⁰See Appendix.

²¹See Appendix, Act of 1794.

This seal was $2\frac{1}{2}$ inches in diameter, slightly larger than the present one, and was used until about 1835.

In the winter of 1834-'35 the Legislature passed an act authorizing the Governor to procure a new seal. The preamble to the act states that the old seal had been in use since the first day of March, 1793.²² The seal adopted in 1835, which was used until 1883, was very similar to its predecessor. On it Liberty and Plenty faced each other. Liberty standing, her pole with cap on it in her left hand, and a scroll with the word "Constitution" inscribed thereon in her right hand. Plenty, sitting down, her right arm half extended towards Liberty, three heads of wheat in her right hand, and in her left the small end of her horn, the mouth of which is resting at her feet, and the contents of her horn rolling out. Around the circumference were the words The Great Seal of the State of North Carolina. This seal was $2\frac{1}{4}$ inches in diameter. In 1868 the Legislature authorized the Governor to procure a Great Seal, and required him to provide a new seal whenever the old one was lost or so worn or defaced as to render it unfit for use.²³

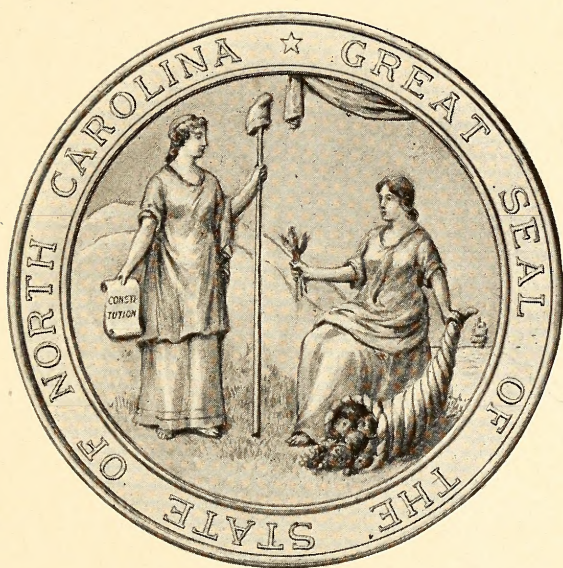
In 1883 Col. S. McD. Tate introduced a bill, which became an act (Chapter 392, Public Laws of 1883), and was incorporated in The Code as section 3329. The seal therein provided for is described as follows:

"The Great Seal of the State of North Carolina shall be two and one-quarter inches in diameter, and its design shall be a representation of the figures of Liberty and Plenty, looking toward each other, but not more than half fronting each other, and otherwise disposed as follows: Liberty, the first figure, standing, her pole with cap on it in her left hand and a scroll with the word 'Constitution' inscribed thereon in her right hand. Plenty, the second figure, sitting down, her right arm half extended towards Liberty, three heads of wheat in her right hand, and in her left the small end of her horn, the mouth of which is resting at her feet, and the contents of the horn rolling out."

NOTE.—I can find no record of a new seal having been procured in 1868.

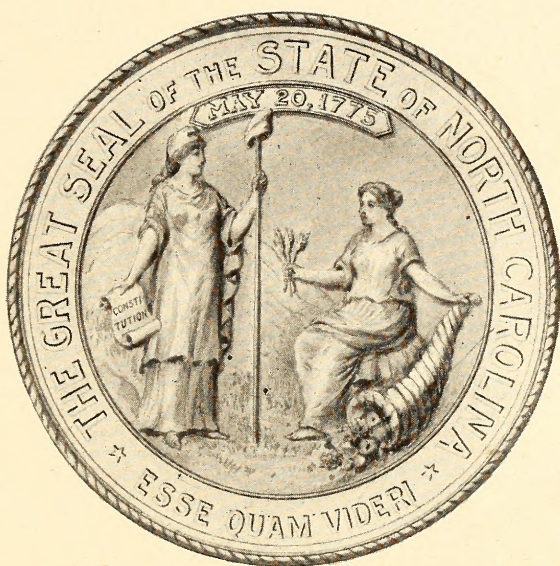
²²Should have been 1794.

²³See Appendix.



1836-1883.

ACTUAL SIZE OF SEAL.



1893-1907.

ACTUAL SIZE OF SEAL.

At this time the ship that appeared in the offing in the seals of George II and George III and in our seals from 1835 to 1883 seems to have disappeared, and the designer of the seal shows mountains in the background instead of both the mountains and the sea as formerly.

In 1893 Hon. Jacob Battle introduced a bill which became chapter 145. This made no change in the seal of 1883 except to add at the foot of the coat-of-arms of the State as a part thereof the motto "Esse Quam Videri," and that the words "May 20, 1775," is inscribed at the top of the coat-of-arms.²⁴

The present Great Seal of the State of North Carolina is described as follows:

The Great Seal of the State of North Carolina is two and one-quarter inches in diameter, and its design is a representation of the figures of Liberty and Plenty, looking toward each other, but not more than half fronting each other, and otherwise disposed as follows: Liberty, the first figure, standing, her pole with cap on it in her left hand and a scroll with the word "Constitution" inscribed thereon in her right hand. Plenty, the second figure, sitting down, her right arm half extended towards Liberty, three heads of wheat in her right hand, and in her left the small end of her horn, the mouth of which is resting at her feet, and the contents of horn rolling out. In the exergon is inserted the words May 20, 1775, above the coat-of-arms. Around the circumference is the legend "The Great Seal of the State of North Carolina" and the motto "Esse Quam Videri."

NOTE.—The North Carolina Historical Commission will appreciate the gift or loan of North Carolina seals in order to make a complete collection of the same. They will also be glad to get the private seals and coats-of-arms of the early Governors of North Carolina and of families identified with the history of the State.

²⁴See Appendix. Secs. 5320, 5339, 5340, Vol. II, Revisal of 1905 of N. C.

APPENDIX.

NOTE A.—Just after the Revolution several of the States adopted seals, bearing the figures of Minerva and Ceres or Liberty and Plenty. Liberty and Plenty appeared in the North Carolina colonial seal and are now in our Great Seal.

On the reverse of the Virginia seal of 1776 are the figures of Liberty with her pole and cap, Plenty with the three heads of wheat in her right hand and the cornucopia held in her left hand with the mouth leaning against her shoulder and Aeternitas with the globe and phoenix. One of the first shields prepared for the United States by the committee of the Continental Congress in 1776 composed of Franklin, Adams and Jefferson, had as one of the "supporters Dexter the Goddess of Liberty in a corselet of armour, alluding to the present times, holding in her right hand the spear and cap and with her left supporting the shield of the States."²⁵

In 1780 another committee reported another seal to Congress on the reverse side of which was "The figure of Liberty seated in a chair holding the staff and cap. The motto SEMPER and underneath MDCCLXXVI."²⁶

The Goddess of Liberty appears in the present seals of Arkansas, Idaho and other States. The figure of Liberty also appears in an early Pennsylvania seal. The design of the seal of New Jersey has the figures of Liberty with pole and cap, and Plenty with cornucopia in left hand, leaning against her shoulder, etc. This was designed by Pierre Eugene Du Simitiere of Philadelphia in October, 1776. He had just furnished the seal of Virginia in August, 1776, and was then preparing the Georgia and Delaware seals. The figure of Liberty with her pole and cap appears in the New York seal. The reverse side of the Colonial Seal of New York in the reigns of George II. and George III., as far as I can judge from illustrations and descriptions I have seen, was identical with the North Carolina seals of that period; in fact, I take it that the royal arms constituted the reverse side of the seals of all the royal colonies.

[C. R., Vol. III, page 79.]

(B. P. R. O., North Carolina, B. T., Vol. 21, p. 26, now Colonial Office, Class 5, Vol. 323.)

LORDS OF TRADE TO THE KING, 25 MARCH, 1730.

To the King's most Excell. Majesty

May it please Yor Majesty.

In Obedience to Yor. Majtys commands signified to Us by Your Order in Council of ye 21th of last Month, directing us, to cause the

NOTE.—There is some difference in the extracts from Colonial Records as appear here and in the printed volumes. The proof of the copy here was verified from the original papers now in the Colonial Office in London by Messrs. B. F. Stevens & Brown.

²⁵Zieber, p. 96. ²⁶Zieber, p. 97.

Draught of a Seal to be prepared for Your Majesty's Province of North Carolina, & to lay the Same before Your Majesty for Your Royal Approbation, We humbly take leave to Annex hereto a draught accordingly whereon Liberty is represented, introducing Plenty to Your Majesty with this Motto, Quae sera tamen respexit, and this Inscription round the Circumference: Sigillum Provinciae Nostrae Carolinae Septentrionalis

On the Reverse of this Seal, We would humbly propose Your Majesty's Arms, Crown, Garter, Supporters & Motto, with this Inscription round the circumference, Geo: II: Dei Gratia Magnae Britanniae Franciae, et Hiberniae, Rex, Fidei Defensor, Brunsvici et Lunenbergi Dux, Sacri Romani Imperii Archi Thesaurarius, et Elector.

All which is most humbly submitted.

WESTMORELAND
P. DOCMINIQUE
T. PELHAM
M. BLADEN
ED. ASHE

Whitehall March 25th 1730.

[C. R., Vol. III, page 79.]

(B. P. R. O., North Carolina, B. T., Vol. 8, A. 7, now Colonial Office, Class 5, Vol. 293.)

AT THE COURT AT ST. JAMES'S THE 10TH DAY OF APRIL 1730.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY IN COUNCILL

Upon reading this day at the Board a Report from the Lords Commissioners for Trade and Plantations dated the 25th of March last with the Draught of a Seal for the Province of North Carolina, whereon Liberty is represented introducing Plenty to His Majesty with this Motto Quae sera tamen respexit; and this inscription round the Circumference, Sigillum Provinciae Nostrae Carolinae Septentrionalis. And the said Lords Commissioners humbly propose that on the Reverse may be His Majesty's Arms, Crown, Garter Supporters, and Motto with this inscription round the Circumference, Georgius Secundus, Dei Gratia, Magnae Britanniae, Franciae, et Hiberniae, Rex Fidei Defensor; Brunsvici et Lunebergi Dux; Sacri Romani Imperii Archi-Thesaurarius, et Elector:—His Majesty in Council this day took the same into Consideration and was pleased to approve thereof, and to Order as it is hereby Ordered that His Chief Engraver of Seals Do forthwith Engrave a Silver Seal according to the said Draught which is hereunto annexed and to what is above proposed by the said Lords Commisrs. for the Reverse of the said Seal;

And His Grace the Duke of Newcastle one of His Majesty's Principall Secretarys of State is to Cause a Warrant to be prepared for His Majesty's Royall Signature to the said Engraver as usual upon the like Occasions.

A true Copy

JA : VERNON.

[C. R., Vol. III, page 119.]

(B. P. R. O., Am. and W. Ind., No. 592, now Colonial Office, Class 5, Vol. 306.)

WARRANT TRANSMITTING NEW SEAL FOR NORTH CAROLINA, 1730.

To Our Trusty and Welbeloved George Burrington Esqre Our Captain General and Governor in Chief of Our Province of North Carolina in America ; Or to the Commander in Chief of Our said Province for the time being, Greeting. With this you will receive a Seal prepared by Our Order for the Use of Our said Province the same being Engraven on the one side with our Arms, Garter, Crown, Supporters and Motto, and this Inscription round the Circumference, Georgius II. D. G. Mag. Bri: Fr et Hib. Rex. F. D. Brum. et Lun. Dux. S. R. I. Arc. Th. et Pr. El. on the other Side Our Royal Effigies, and Liberty represented introducing Plenty to Us with this Motto. Quae Sera Tamen Respexit. And this Inscription round the Circumference, Sigillum Provinciae Nostrae Carolinae Septentrionalis. Our Will and Pleasure is, and We do hereby Authorize and direct, that the said Seal be used in the Sealing all Patents and Grants of Lands, and all Publick Instruments which shall be made and passed in Our Name and for Our Service within Our said Province ; And that the same be to all Intents and Purposes, of the same Force and Validity as any other Seal heretofore used within the said Province. And we do further Command and require you upon the receipt of the said Seal, to return the former Seal to Our Commissioners for Trade and Plantations, to be laid before Us as usual, in order to it's being defaced in like manner with other Seals by Us in our Privy Council. Given at Our Court at St. James's the ... Day of..... 1730, in the fourth Year of Our Reign.

[C. R., Vol. III, page 120.]

(B. P. R. O. North Carolina, B. T., Vol. 8, A. 10, now Colonial Office, Class 5, Vol. 306.)

AT THE COURT AT ST. JAMES'S THE 14TH DAY OF DECEMBER 1730

PRESENT

THE KING'S MOST EXCELLENT MAJESTY IN COUNCILL

A New Seale for His Majestys Province of North Carolina having been this day laid before His Majesty in Councill for His Royall Approbation His Majesty was pleased to approve thereof and to Order

as it is hereby Ordered that the Lords Commissioners for Trade and Plantations Do prepare a Draught of a Warrant for transmitting the said Seale to the Governor of the said Province and Empowering him to make use thereof—And the said Lords Commissioners are to lay the said Draught before his Grace the Duke of Newcastle One of His Majestys Principall Secretarys of State in Order to Obtain His Majestys Sign Manuall thereto—And afterwards to transmitt the said Warrant with the said Seale to the Governor of the said Province accordingly.

JAS VERNON.

[C. R., Vol. III, page 120.]

(B. P. R. O., Am. and W. Ind., No. 592, now Colonial Office, Class 5, Vol. 306.)

**LORDS OF TRADE TO THE DUKE OF NEWCASTLE,
DECEMBER 31th, 1730.**

MY LORD,

Having in obedience to his Majesty's Order in Council of the 14th Instant, prepared the Draught of a Warrant for transmitting a new Seal for His Majesty's Province of North Carolina, to the Governor of the said Province, empowering him to make use thereof, and requiring him to transmit the old Seal in Order to its being defaced in like manner with other Seals by his Majesty in Council; We here inclose the said Draught of a Warrant which we desire your Grace will please to lay before His Majesty for his Royal Signature. We are

My Lord, Your Grace's
most obedient and
most humble Servants

P. DOCMINIQUE
T. PELHAM
JA: BRUDENELL
CH. CROFT

Whitehall December 31st 1730.

His Grace the Duke of Newcastle.

[C. R., Vol. VII, p. 532.]

(From MS. Records in Office of the Secretary of State.)

COUNCIL JOURNALS.

At a Council held at Newbern Monday 14th December 1767

His Excellency produced to this Board a new Great Seal of this province, with his Majesty's Royal warrant bearing date at the Court of St. James the 9th day of July 1767—Authorizing the use of the same, and requiring the old seal to be returned to his Majestys Council office of Whitehall

And his Excellency informed this Board, that he yesterday sent the old seal to New York by Capt. Collet Commander of Fort Johnston in order to be forwarded Home—Ordered—That a Proclamation issue inserting His Majestys warrant for the use of the new seal in the following words, Viz—

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esq' &c.

A PROCLAMATION.

Whereas I have received from the Earl of Shelburne one of his Majestys principal Secretarys of State a new Great Seal for this Province with a warrant under his Majestys sign Manual to use the same in the following words, Viz

George R. To our trusty and well beloved William Tryon Esq' our Captain General and Governor in Chief of our province of North Carolina In America or to the Commander in Chief of our said province for the time—GREETING :

With this you will receive a Seal prepared by our order for the use of our said province; the seal being engraved on the one side with our Arms, Garter, Crown Supporters and Motto, and this inscription round the circumference Georgius III, D: G: Mag, Bri, Fr, et Hib, Rex, F. D. Brun, et Lun, Dux. S. R. I. ar Thes, et El. on the other side our Royal Effigies; and Liberty represented introducing Plenty to us, with this Motto—Quae Sera Tamen Respexit—and this inscription round the circumference Sigillum, Provinciae, Nostrae, Carolinae, Septentrionalis—Our will and Pleasure, is and we do hereby authorize and direct that the said seal be used in sealing all Patents and Grants of Lands, and all Public Instruments which shall be made and passed in our name, and for our Service within the said Province; and that it be to all Intents and Purposes of the same force and validity, as any other seal heretofore used within the said Province, And we do further will and require you upon Receipt of the said seal, to return the old seal to our Council Office at Whitehall in order to its being defaced by us in our privy Council. Given at our Court at St. James's the 9th day of July 1767

In the seventh year of our Reign

By his Majestys Command

SHELBURNE.

I have therefore thought proper by and with the advice and consent of his Majestys Council to issue this proclamation to notify that the New Great Seal will from the date hereof be made use of in this Province, and that the late Great Seal agreeable to the Royal Commands is transmitted to England

Given under my hand and the Great seal of this province at Newbern

WM TRYON.

[C. R., Vol. IV, page 1193.]

NEW-BERN the 5th of April 1749.?

NORTH CAROLINA.

To his Excellency Gabriel Johnston Esqre Captain General and Commander in Chief of his Majesties Province of North Carolina

The Memorial of the Members of His Majesty's Council of the said Province.

MAY IT PLEASE YOUR EXCELLENCY.

After the Charter granted by King Charles to the Lords Proprietors of Carolina they formed several Constitutions or Rules of Government wherein (inter alias) It was provided that the lands should be laid off into Counties each county to be a separate Government and a Proprietor or his Deputy to have the Government of it But still the whole eight Counties to be under the Government of the Eight Proprietors accordingly the first Government or County was that of Clarendon County on Cape Fear River so called from the Earl of that Title first mentioned in the Charter the second was that of Albemarle from the duke of that name next in the Charter and it is to be remarked that the Deed of Grant to this County so highly valued by the Inhabitants of it and upon which so great a stress is laid with regard to his Majesty rents was directed to Samuel Stephens Governour of our above County of Albemarle and the seal of that County Government (used as the seal of North Carolina untill the King's purchase) had together with the arms of the eight Proprietors the word Albemarle in capitals fixed between the Coats.

NATH: RICE

ROBERT HALTON

ROGER MOORE

ELEAZAR ALLEN

MATHEW ROWAN

CORRESPONDENCE.

ABISHA THOMAS TO GOVERNOR ALEXANDER MARTIN.²⁷

PHILAD[E]L[PHIA], 16th June 1792

SIR

Doctor Williamson happened to be here when your letters arrived, which I was certainly much pleased with. He took possession of the great Seal business, kept it two days, then threw it on my hands and went off without doing any thing in it. This is truly alarming, for really I know nothing about the business and I am afraid of having it spoiled. besides the Doctor advised me not to have it done, he found fault with the Latin of the Motto; however I consider your Excellency's instructions superior to his advice. I will hold council with some of the Commissiours and endeavor to have it elegantly executed.

I am with much respect and attachment

Sir

Your Excellencys

Most obt. Servt.

ABISHA THOMAS TO GOVERNOR ALEXANDER MARTIN.²⁸

PHILAD[E]L[PHIA]. 22 July 1792

SIR

Since my last to you I have consulted Mr. Johnston²⁹ respecting the great Seal, he told me that Doct[o]r Williamson has shewed him the device, and suggested some additions or alterations, which he said the Doctor would propose to your Excellency when he met you at Hillsborough in August, in consequence of which I have postponed having it executed until I again hear from you on the subject.

GOV. RICH[AR]D D[OBBS] SPAIGHT TO ABISHA THOMAS.³⁰

NEWBERN 9th January 1793.

SIR;

I have understood from Gov: Martin that he had wrote to you, to procure a great seal for the State agreeable³¹ to an act of the General Assembly at their sessions in 1791 and that you had undertaken to

²⁷A. L. North Carolina Historical Commission. Executive Files. Alexander Martin. Draft in handwriting of Abisha Thomas.

²⁸A. L. North Carolina Historical Commission. Executive Files. Governor Martin. Draft in handwriting of Abisha Thomas.

²⁹Samuel Johnston [?], then in United States Senate.

³⁰From Executive Letter Book, p. 9. ³¹In the original: agreeable.

have a proper one executed and sent forward. if it is executed I will thank you to forward it to me as soon as possible if it is not finished I will be obliged to you to have it done immediately and sent to me. as the old Seal is not only nearly worn out but in my Opinion has been always a reproach to the genius of the State.

I am Sir

Yr. most Obt Servant

RICHD. D. SPAIGHT.

Abisha Thomas Esquire Agent for the State of No Carolina.

ABISHA THOMAS TO RICH[AR]D D[OBBS] SPAIGHT.³²

PHILADELPHIA 24th January 1793.

SIR

P. S. January 30th.

With regard to the Great Seal I am at a loss how to act. It is agreed on all hands that the Sketch transmitted by Governor Martin will not do. He authorized me to procure an artist to sketch something from it and to transmit the same to him for approbation. I did so, he disapproved and directed me to proceed no farther in the business untill farther orders—thus the matter rests. I send you a copy of the Governors sketch with his explanation. I wish I could send you the other but did not copy it perhaps Governor Martin has furnished you with it. howe I can nearly (perhaps precisely) explain it, the figures are Minerva in the act of introducing Ceres with her horn of plenty to Liberty who is seated on a pedestal holding in her right hand a book on which is inscribed the word "Constitution" in the back ground are introduced a pyramid denoting Strength and durability; and a pine tree which relates immediately to the produce of the State &c. the first is too complex to be executed on so small a Scale, besides say the men of science it is not conformable to the rules of Heraldry to quarter the Arms or the Seal of a single sovereign State. The Governor wished to have something expressive of Commerce and Agriculture introduced; this I think might be done in addition to the figures above named. He also authorized me to change the Motto from "*His Cresco*" to "*Haec munera nostro.*"

With the utmost respect and attachment

I remain Sir

Your Excellency's

Most Obedient Sert.

ABISHA THOMAS.

³²From Letter Book of Governor Spaight. North Carolina Historical Commission collection.

His Excellencys Richd. Dobbs Spaight Esqr. Govr. &c.

(ENCLOSURE.)

The great seal is laid off into quarters. the first Sinister is intended for a Sheaf of Wheat and I wish that Ceres with her torch could be inserted to represent the farming interest in the Western part of this State. The first dexter is intended for *Amalthea* with her cornucopiae heaped with Indian corn, that the Corn is falling out representing the great planting interest of Roanoke and the Northern part. the second Dexter is filled with Hhds. barrels and bales of Goods representing the Commerce of the State. the fourth Sinister contains a pine tree representing the lumber pitch tar and turpentine productions of the Southern part with liberty standing under the shade with her cap on a staff by her right hand and the Constitution held by her left. The Artist must correct the disposition of the figures and give them such ornaments and ease necessary. for the classic drapery of the two Goddesses or rather ladies he must consult the cuts of the Pantheon.—I think however their robes are lose and open before to the Knee some part of which are tied with a knot. The motto "His cresco" to be done in the shape of a ribband or label at the bottom. the whole to be engraved deep that a fair and plain impression may be perceived. The diameter of the Seal comprehends three inches. I am doubtfull this size is rather too large. the size of the great seal of the United States would be about proper if the figures can be inserted as well as in the size herewith.

(signed) ALEX MARTIN.

GOV. RICH[AR]D D[OBBS] SPAIGHT TO ABISHA THOMAS.³³

NORTH CAROLINA NEWBERN 18th February 1793.

SIR

Being perfectly ignorant of the Science of Heraldry I would not presume to give any particular directions respecting the great Seal of the State the copy you sent Governor Martin I saw when it was in the Commons but cannot find it among the papers returned to me by Mr. Hunt I prefer it by far to Governor Martin's Sketch I think his too large and the Objects too crowded and diminutive. the fault which you found with the copy you sent the Governor might be easily amended by adding a Ship in the most proper part which is in my opinion the most sublime emblem of Commerce, and will stand for boxes, bails, tobacco, Hhds. pitch, tar, and turpentine barrels, and a thousand other minute articles the basis of Commerce.

I shall leave the business wholly to you, you are in a City where the arts and Sciences are understood and where you can get the

³³From Executive Letter Book, pp. 20-21.

necessary information and assistance. I shall be glad to have it done soon and forwarded to me. let the screw by which the impression is to be made be as portable as possible so as it may be adapted to our present Itinerant Government. the one now in use by which the great seal is at present made is so large and unwieldy as to be carried only in a Cart or Waggon and of course has become stationary at the Secretary's Office which makes it very inconvenient.

I have the honor to be with respect

Sir

Your most Obedt. Servant

RICH. D. SPAIGHT.

Abisha Thomas esqr. Philadelphia.

GOV. RICH[AR]D D[OBBS] SPAIGHT TO ABISHA THOMAS.³⁴

NEW BERN 24th. June 1793.

DEAR SIR

I have not yet been informed by you whether any or what progress has been made in getting a Great Seal for the State. I wish it could be done as soon as possible, consistant with having it well done. I want it likewise complete with a steel screw to make the impression, and portable enough to be carried about without much difficulty.

I am Dear Sir

Your most Obt. Servt.

RICHD. D. SPAIGHT.

Abisha Thomas esquire Philadelphia.

ABISHA THOMAS TO GOV. RICH[AR]D D[OBBS] SPAIGHT.³⁵

DEAR SIR

I have now in hand the Great Seal. Dr. Williamson is so obliging as to aid me, and from his extensive knowledge and assiduity, I feel sanguine that something will be produced, which will merit the approbation of your Excellency and the legislature.

I am with much respect

Yr. Excellencys

Mo Obed. Servant

ABISHA THOMAS.

His Excellency Richd. D. Spaight.

³⁴From Executive Letter Book, pp. 64-65.

³⁵From Executive Letter Book, pp. 70-71.

ABISHA THOMAS TO RICH[AR]D D[OBBS] SPAIGHT.³⁶

PHILADELPHIA 8th Augt. 1794 [3].

DR SIR

Before I was taken³⁷ I endeavoured to have a screw seal press made but the makers were all so engaged that none of them could undertake it within any reasonable time. I shall however not cease my endeavours untill I get one which shall be forwarded with the wafers which are ready.

I am &c.

ABISHA THOMAS.

His Excellency Richard D. Spaight.

GOV. RICH[AR]D D[OBBS] SPAIGHT TO ABISHA THOMAS.³⁸

NEW BERN 19th. Augt. 1793.

DEAR SIR

I hope you will not fail to bring with you when you return, the new great seal, and that it may meet with the approbation of the Legislature.

I am Dear Sir

yrs. &c.

RICHARD D. SPAIGHT.

Abisha Thomas esqr.

³⁶From Executive Letter Book.

³⁷He had just written: "I received in due time your Excellency's letter of 22nd June for a fortnight past I was indisposed so as to be incapacitated for business thank God I am much recovered and yesterday turned out, this morning I feel still better."

³⁸From Executive Letter Book, p. 74.

LAWS IN REFERENCE TO SEAL, 1776-1893.

ORDINANCE ADOPTED AT HALIFAX, DECEMBER, 1776.

AN ORDINANCE FOR APPOINTING CERTAIN COMMISSIONS THEREIN NAMED, TO PROCURE A GREAT SEAL FOR THIS STATE, AND OTHER PURPOSES THEREIN MENTIONED.

Whereas it is necessary that a great seal should immediately be procured for this state for the use of the Governor for the time being, to be affixed to all grants, proclamations and other public acts; and that certain commissioners be appointed for that purpose:

II. Be it therefore ordained, and it is hereby ordained, by the representatives of the freemen of the state of North-Carolina, in Congress assembled, and by the authority of the same, That William Hooper, Joseph Hewes, and Thomas Burke, Esquires, be appointed commissioners to procure for this state, for the use of the Governor for the time being thereof, a great seal, to be affixed to all grants, proclamations and other public acts.

III. And be it further enacted by the authority aforesaid, That the Governor for the time shall, until the great seal can be procured, make use of his own private seal at arms, and affix the same to all grants, proclamations, and other public acts of this state.

Ratified the 22d of December, 1776.

ACT PASSED BY GENERAL ASSEMBLY AT NEWBERN, APRIL, 1778.

AN ACT FOR PROCURING A GREAT SEAL FOR THIS STATE.

Whereas it is necessary that a great seal be procured, to be used by the governor for the time being as the seal of this state:

II. Be it therefore enacted the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of same, That William Tisdale, Esq. be and he is hereby appointed to cut and engrave a seal, under the direction of his excellency the governor, for the use of the state; and the said seal, when engraved, shall be called the great seal of the state of North-Carolina, and shall be used and affixed by the governor for the time being to all grants, proclamations and other public acts of the executive authority of this state.

ACT PASSED BY THE GENERAL ASSEMBLY AT NEWBERN, DECEMBER, 1791.

AN ACT TO PROVIDE A PROPER SEAL FOR THE STATE, AND THE SEVERAL COURTS OF RECORD.

I. BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Governor be and he is hereby authorized and required to procure

for the state a seal, which shall be called the Great Seal of North-Carolina, to be used for attesting and authenticating grants, proclamations, commissions and other public acts, in such manner as may be directed by law, and the usage established in the public offices; also a seal for each of the courts of record within this state, for the purpose of authenticating the papers and records of such courts when required.

III. And be it further enacted by the authority aforesaid, That the seals provided by the direction of this act, shall be prepared with one side only, and calculated to make the impression on the face of such grant, commission, record or other public act; and the present Great Seal shall not be used in any case whatever after the seals prescribed by this act are procured.

IV. And whereas the seals annexed to grants and other public papers are in many cases lost and destroyed: Be it enacted by the authority aforesaid, That in all such cases where any person or persons may find it necessary to have the seal of the state put again to such grant or other public papers that he, she or they may prefer his, her or their petition to the Governor and Council who shall, if they shall deem the same proper, after examining such grant or other paper, order and direct the Secretary to put the seal of the state thereto, for which he shall be allowed the usual fees.

ACT PASSED AT FAYETTEVILLE, DECEMBER, 1793.

AN ACT APPROBATING THE NEW GREAT SEAL OF THE STATE.

Whereas in pursuance of an act passed at Newbern in the year one thousand seven hundred and ninety-one, entitled, "An act to provide a proper seal for the state and the several Courts of record, the Governor hath procured a new great seal for the state, calculated to make an impression on the face of the grant, commission or other public act with one side only:

L. Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That after the first day of March next, the said new great seal shall be used for attesting and authenticating all grants, commissions, proclamations, and other public acts; and the said new great seal shall be good and valid, to all intents and purposes, as the former great seal hath heretofore been, any law, usage or custom to the contrary notwithstanding. Provided nevertheless, That the former great seal of the state shall and may be used for attesting and authenticating grants, commissions, proclamations and other public acts, until the said first day of March next, and until the said new seal shall be deposited in the Secretary's-office, and after that day shall be kept for the purposes mentioned in the fourth and last section of the above recited act.

**ACT PASSED AT GENERAL ASSEMBLY HELD AT RALEIGH,
DECEMBER, 1794.**

(First General Assembly held at Raleigh.)

[Chapter 19.]

**AN ACT TO AMEND THE ACT APPOINTING THE NEW GREAT SEAL OF THE
STATE PASSED AT FAYETTEVILLE THE LAST ANNUAL SESSION.**

Whereas a proper screw has not yet been procured to make impressions with the new Great Seal:

I. Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted be the authority of the same, That all grants, commissions, proclamations and other public acts which have been attested and authenticated with the old Seal, since the time prescribed in the said act for the use of the new Great Seal, or which may so attested and authenticated, shall be good and valid in law to all intents and purposes. And the Governor is hereby authorised to continue the use of the old Seal until he shall be able to procure a screw to make impressions with the new one.

And whereas the said act directs that the new great Seal of the state shall be deposited in the Secretary's office, which is contrary to a provision in the constitution,

II. Be it enacted, That so much of the said act as directs the said Seal to be deposited in the Secretary's office, be and the same is hereby repealed and made void.

ACT OF GENERAL ASSEMBLY, SESSION OF 1834-'35.

[Chapter 24.]

**AN ACT AUTHORIZING THE GOVERNOR TO PROCURE A NEW GREAT SEAL
FOR THE USE OF THE STATE.**

Whereas, the great seal of this State, which has been used since the first day of March one thousand seven hundred and ninety-three, has become so much worn as to render it necessary to obtain a new one.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Governor shall be, and he is hereby authorised to procure a great seal for this State, which shall bear suitable devices; and that such new great seal, when so procured, shall be used to attest and authenticate all grants, commissions, proclamations, and other public acts, to which such attestation and authentication may be necessary.

ACT OF GENERAL ASSEMBLY, SESSION OF 1868-'69.

(Chapter 270.)

* * * * *

Sec. 35. The Governor shall procure for the State a seal, which shall be called the Great Seal of the State of North Carolina, to be used for attesting and authenticating grants, proclamations, commissions and other public acts, in such manner as may be directed by law, and the usage established in the public offices; also a seal for every court of record of the State, for the purpose of authenticating the papers and records of such court.

Sec. 36. Whenever the Great Seal of the State, or any seal of a court of record shall be lost, or so worn or defaced as to render it unfit for use, the Governor shall provide a new one, and when new seals are provided, the former ones shall not be used.

* * * * *

CONSTITUTION OF 1868.

Sec. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "the Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

BATTLE'S REVISAL 1873.

(Chapter 78.)

31. The Governor shall procure for the State a seal, which shall be called the Great Seal of the State of North Carolina, to be used for attesting and authenticating grants, proclamations, commissions and other public acts, in such manner as may be directed by law, and the usage established in the public offices; also a seal for every court of record of the State, for the purpose of authenticating the papers and records of such court.

ACT OF GENERAL ASSEMBLY 1883.

(Chapter 392.)

AN ACT CONCERNING THE GREAT SEAL OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. That the Great Seal of the State of North Carolina shall be two and one-quarter inches in diameter, and its design shall be a representation of the figures of Liberty and Plenty, looking toward

each other but not more than half fronting each other, and otherwise disposed as follows: Liberty, the first figure, standing, her pole with cap on it in her left hand, and a scroll with the word "Constitution" inscribed thereon in her right hand. Plenty, the second figure, sitting down, her right arm half extended toward Liberty, three heads of wheat in her right hand, and in her left the small end of her horn, the mouth of which is resting at her feet and the contents of the horn rolling out.

Sec. 2. That it shall be the duty of the Governor to file in the office of Secretary of State an impression of the Great Seal, certified to under his hand and attested by the Secretary of State, which impression so certified the Secretary of State shall cause to be bound up with this statute among the manuscript statutes of this General Assembly.

Sec. 3. That this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 12th day of March, A. D. 1883.

THE CODE OF NORTH CAROLINA, VOL. II.

(Chapter 41.)

Sec. 3329. *Design of Great Seal; Governor to file impression with Secretary of State.* 1883, c. 392.

The Great Seal of the State of North Carolina shall be two and one-quarter inches in diameter, and its design shall be a representation of the figures of Liberty and Plenty, looking toward each other but not more than half fronting each other, and otherwise disposed as follows: Liberty, the first figure, standing, her pole with cap on it in her left hand, a scroll with the word "Constitution" inscribed thereon in her right hand. Plenty, the second figure, sitting down, her right arm half extended towards Liberty, three heads of wheat in her right hand, and in her left the small end of her horn, the mouth of which is resting at her feet, and the contents of the horn rolling out.

It shall be the duty of the Governor to file in the office of Secretary of State an impression of the Great Seal, certified to under his hand and attested by the Secretary of State, which impression so certified the Secretary of State shall cause to be bound up with the manuscript statutes of the General Assembly of the year one thousand eight hundred and eighty-three.

ACT OF GENERAL ASSEMBLY 1893.

(Chapter 145.)

AN ACT TO ESTABLISH A STATE MOTTO.

Whereas, contrary to the usage of nearly all the States of the American Union the coat-of-arms and the Great Seal of this State bear no motto; and whereas a suitable motto, expressive of some noble sentiment and indicative of some leading trait of our people, will be instructive as well as ornamental, and the State should also keep in perpetual remembrance the immortal declaration of independence made at Charlotte: now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the words "esse quam videri" are hereby adopted as the motto of this State, and as such shall be engraved on the Great Seal of North Carolina and likewise at the foot of the coat-of-arms of the State as a part thereof.

Sec. 2. That on the coat-of-arms, in addition to the motto, at the bottom, there shall be inscribed at the top the words, "May the 20th, 1775."

REVISAL OF 1905 OF NORTH CAROLINA, VOL. II.

(Chapter 114.)

Section 5320. *Motto*.—The words "esse quam videri" are hereby adopted as the motto of this State, and as such shall be engraved on the Great Seal of North Carolina and likewise at the foot of the coat-of-arms of the State as a part thereof. On the coat-of-arms, in addition to the motto, at the bottom, there shall be inscribed at the top the words, "May 20th, 1775."

1893, c. 145.

(Chapter 115.)

Sec. 5339. *Keeper of Great Seal of State; design*.—The Governor shall procure for the State a seal, which shall be called the Great Seal of the State of North Carolina, and shall be two and one-quarter inches in diameter, and its design shall be a representation of the figures of Liberty and Plenty, looking toward each other, but not more than half fronting each other, and otherwise disposed as follows: Liberty, the first figure, standing, her pole with cap on it in her left hand and a scroll with the word "Constitution" inscribed thereon in her right hand. Plenty, the second figure, sitting down, her right arm half extended towards Liberty, three heads of wheat in her right hand, and in her left the small end of her horn, the mouth of which is resting at her feet, and the contents of the horn rolling out;

there shall also be inserted thereon the words "esse quam videri." It shall be the duty of the Governor to file in the office of Secretary of State an impression of the Great Seal, certified to under his hand and attested by the Secretary of State, which impression so certified the Secretary of State shall carefully preserve among the records of his office. Code, ss. 3328, 3329; 1868-9, c. 270, s. 35; 1883, c. 392; 1893, c. 145.

Sec. 5340. *Procures seals for each department and courts of record.*
 —The Governor shall also procure a seal for each department of the State government to be used for attesting and authenticating grants, proclamations, commissions and other public acts, in such manner as may be directed by law and the usage established in the public offices; also a seal for every court of record in the State, for the purpose of authenticating the papers and records of such court. All such seals shall be delivered to the proper officers, who shall give a receipt therefor and be accountable for their safe-keeping. Code, ss. 3328, 3332; 1868-9, c. 270, ss. 35, 37; 1883, c. 71.

